



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2013-05294

**Keyword:** Crime

**Subject:** Bloody Sunday Forensic Ballistics 30 January 1972 - Londonderry

**Request and Answer:**

### Question

Please provide a copy of all forensic ballistics recovered from the dead and injured involved in the above incident. - Bloody Sunday Forensic Ballistics 30 January 1972 – Londonderry.

### Answer

Your request for information has now been considered and the decision has been taken not to supply the information you have requested.

Section 17(1) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

- (a) states that fact,
- (b) specifies the exemption in question and
- (c) states (if not otherwise apparent) why the exemption applies.

The exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

### Section 30 (1)(a) – Investigations

Section 30 is a class-based, qualified exemption which means that the legislators have determined that a public interest test (PIT) should be carried out and that a harm test is not required. A summary of the PIT can be found below.

This exemption is engaged as information held by a public authority is exempt if it has been held for the purpose of any investigation which it has a duty to conduct with a view to it being ascertained whether a person should be charged with an offence, or whether a person charged with an offence is guilty of it.

### Public Interest test Section 30

#### Factors Favouring Release

This is a high profile case and disclosure would assist in showing that the PSNI are conducting

thorough investigations into such incidents. There is much public interest in ensuring that the investigation is undertaken professionally and rigorously and release of the requested information could reassure the public that the PSNI is actively investigating the events on Bloody Sunday. All police investigations will involve the use of public funds and where this is the case there is always a public interest in ensuring that those funds are not used unnecessarily or unwisely.

### Factors Favouring Retention

This is an ongoing criminal investigation and the information requested is held for the purposes of that investigation. If the PSNI were to release forensic reports or ballistic information at this time it would seriously compromise and undermine an ongoing criminal investigation and hinder the course of justice. An investigation may be prejudiced by premature release of information resulting in loss of evidence or alerting a suspect. Also, disclosure could infringe on a suspect's right to a fair trial and also the rights of the victims if a prosecution were to fail due to disclosure of the information.

### **Decision**

While there is a strong public interest in releasing the information requested the PSNI must ensure that an ongoing investigation is not adversely affected by the release of information. On balance the requirement to withhold the information relating to a criminal investigation, the release of which may affect the outcome of any investigation or court proceedings must therefore take precedence.

The public interest, in this instance, is therefore best served by not releasing the information to which you seek access.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk).

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ [www.psni.police.uk](http://www.psni.police.uk)

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.