



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2014-03888

**Keyword:** Crime

**Subject:** PSNI Payments to Informants 2013 -2014

### Request and Answer:

#### Question 1

How much did the PSNI pay informants during the 2013-14 financial year?

#### Question 2

How much of this figure was spent on child informants for the 2013-14 financial year?

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information.

I have today decided to:

- disclose information in response to question 1
- neither confirm nor deny that any other information is held relevant to your request by virtue of Sections 23, 24, 30 and 31.

#### Question 1

How much did the PSNI pay informants during the 2013-14 financial year?

#### Answer

For the financial year 2013/14 the amount paid to covert human intelligence sources (CHIS) was £466,332.00.

#### Question 2

How much of this figure was spent on child informants for the 2013-14 financial year?

#### Answer

In accordance with the Act, this represents a Refusal Notice for question 2. The Police Service of Northern Ireland (PSNI) can neither confirm nor deny that it holds the information you have requested.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in the request is held. The second duty at Section 1(1)(b) is to disclose

information that has been confirmed as being held.

Where exemptions are relied upon Section 17(1) of the FOIA requires that we provide the applicant with a notice which:

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

The PSNI can Neither Confirm Nor Deny that it holds the information relevant to your request as the duty in Section 1(1)(a) of the Act does not apply by virtue of the following exemptions:

Section 23(5) – Information relating to security bodies listed at Section 23(3)  
Section 24(2) – National Security  
Section 30(3) by virtue of Section 30(2) – Investigations  
Section 31(3) – Law Enforcement

Section 23 is an absolute exemption and there is no requirement to conduct a public interest test or to show the harm in release. Section 23 has an automatic bar to disclosure of information.

Section 24 is a qualified and prejudice-based exemption which means that the PSNI is required to evidence the harm that would be caused in confirming or not that the information is held as well as carrying out a public interest test.

Section 30 is a qualified and class-based exemption and the PSNI is required to carry out a public interest test with regard to maintaining a neither confirm nor deny approach.

Section 31 is a qualified and prejudice-based exemption which means that the PSNI is required to evidence the harm that would be caused in confirming or not that the information is held as well as carrying out a public interest test.

### **Overall Harm in Confirming or Denying that Information is held**

Any release of information under the Freedom of Information Act is a disclosure to the world in general and not just to the individual making the request. Whilst there is a public interest in the transparency of policing operations, there is a very strong public interest in safeguarding any recruitment of CHIS as well as ensuring investigations are not compromised.

Where section 30(3) applies, and PSNI neither confirm nor deny it holds information relating to investigations or proceedings, this is subject to a public interest test. The ability to 'NCND' can only be maintained in the public interest if confirmation or denial would interfere with the effective conduct of the investigations or proceedings

Revealing whether or not PSNI hold financial information relating to money spent on child informants in the year 2013/14 may well adversely affect the ability of PSNI to investigate crime and could lead to a reduction in both the quality and amount of information PSNI would receive. This would have a negative impact on investigations both present and future and could also increase the danger to individuals. Policing operations, which could have been successful, may be compromised and individuals could potentially be affected and become a victim.

In relation to section 23(5) and 24(2) disclosure of CHIS data could impact on the recruitment and retention of CHIS in general, due to the perception of (rather than the actual) risk of identification. PSNI consider this argument applies as much to CHIS providing intelligence in relation to national security concerns as to CHIS engaged in countering more traditional criminal threats. In this way, the disclosure of payment information would damage national security through discouraging current national security CHIS from cooperating with the police service in other geographical areas, or preventing the recruitment of national security CHIS in the future – regardless of whether the area in

question actually currently runs CHIS reporting on serious crime, terrorist or other threats.

## **Public Interest Test**

### **Section 24**

#### **Factors favouring Confirmation or Denial**

National Security is an important issue to the public and confirming or denying what information may or may not be held would reassure the public that the PSNI is effectively engaging with its role to ensure National Security and protect the people it serves. Confirming what other information is or is not held would also lead to a better informed public debate.

#### **Factors against Confirmation or Denial**

Confirming or denying that any information is held relevant to informants under 18 years of age would adversely affect the service's ability to undertake its National Security role. Any other information, whether held or not, would inform those intent on criminal/terrorist activity of the strength and any potential weakness of the PSNI in this important area of Covert Human Intelligence Sources.

### **Sections 30 & 31**

#### **Factors favouring Confirmation or Denial**

Disclosure could promote public trust in providing transparency, demonstrating openness and accountability. It could allow the public to be satisfied that investigations have been conducted effectively and efficiently. Disclosure would also show that public funds were being used effectively and appropriately.

#### **Factors against Confirmation or Denial**

Information released into the public domain could undermine current investigations. It would therefore not be in the public interest to release information that may still be of assistance to the PSNI in relation to any unresolved investigations. Offenders could be alerted by the release of information and thus jeopardise investigations.

PSNI relies on information being supplied by the public. Confirming that information is held would act as a deterrent to the public to provide information (intelligence) to the Service which would undermine public safety, with repercussions that could hinder the prevention or detection of crime.

#### **Decision**

PSNI is entrusted with a considerable amount of confidential information and it has an important role in countering the many threats against society.

Although there may be a public interest in confirming or denying whether PSNI use informants under 18 years of age, there is also a high public interest in ensuring that law enforcement is not compromised and that individuals are not put at risk through the release of information, whether or not it is held. The PSNI will not confirm or deny that it holds any information if to do so would adversely affect National Security, increase the risk of harm to the public, prevent the detection of crime or the apprehension of offenders and adversely impact on the administration of justice.

In addition, the effective delivery of operational law enforcement takes priority and is at the forefront of PSNI to ensure the prevention and detection of crime is carried out and the effective apprehension or prosecution of offenders is maintained.

To the extent that sections 24(2), 30(3) and 31(3) apply, it has been determined that in all the circumstances of the case the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in confirming whether or not the information is held. Therefore the case for confirming or denying that any information exists relevant to this request is not made out.

However, this should not be taken as conclusive evidence that the information you requested exists or does not exist.

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.