



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2014-00052

**Keyword:** Operational Policing

**Subject:** Bombing Of The Alliance Party Offices In Lisburn

**Request and Answer:**

### Question 1

How many arrests have been made in relation to the bombing of the Alliance Party offices in Lisburn on the 14th December 2013?

### Answer

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 2 in full; and
- fully exempt information in response to question 1 pursuant to the provisions of Section 30 of the Act.

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 qualified and class-based exemption which means that the legislators have decided that a public interest test is necessary.

### Public Interest Test

#### Factors Favouring Release

There is high public interest in the transparency and accountability of police investigations and in

ensuring that investigations are properly conducted and that a prosecution has not collapsed because of procedural failure or mismanagement. Releasing information on the number of suspects under investigation, or arrested, would enable the public to see how the PSNI are engaging with their investigative duties and would reassure the public that criminals who are responsible for such crimes are being actively pursued.

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 Against Release

Releasing the information requested would adversely affect ongoing investigations and could hinder the prevention and detection of those responsible for this crime by alerting someone to the possibility that they are a suspect. The PSNI consider that the release of any information could seriously undermine the investigation and that the premature release of information may also adversely affect the administration of justice by undermining the rights of a suspect to a fair trial. More crime could be committed and individuals placed at risk.

### Balance Test

The investigative role is of paramount importance and the Police Service will not divulge information if to do so could undermine the detection and apprehension of offenders and compromise the rights of a suspect to a fair trial. Whilst there is a public interest in the transparency of policing operations, and in this case providing assurance that the police service is appropriately and effectively engaging with the threat posed by the criminal fraternity, there is a very strong public interest in safeguarding the integrity of police investigations and operations.

I am satisfied that in this case the public interest factors favouring retention outweigh those favouring release as the interests in accountability can rarely defeat the interests in a fair investigation and trial.

### **Question 2**

Has the investigation concluded?

### **Answer**

The investigation is still ongoing.

In addition, the PSNI neither confirms nor denies that it holds any other information relevant to your request by virtue of the following exemptions:

Section 23(5) - Information supplied by, or concerning, certain security bodies

Section 24(2) - National Security

Section 23 is an absolute class-based exemption and therefore there is no requirement to conduct a harm or public interest test

Sections 24 is a prejudice based qualified exemption and there is a requirement to articulate the harm that would be caused in confirming or denying that any other information is held as well as carrying out a public interest test.

### Overall harm for the partial NCND

As you may be aware, disclosure under FOIA is a release to the public at large. Confirming or denying that any other information is held regarding the information requested would show criminals what the capacity, tactical abilities and capabilities of the force are. This would allow them to adopt tactics to avoid detection when conducting their criminal/terrorist activities.

It is well established that police forces use covert tactics and surveillance to gain intelligence in order

to counteract criminal behaviour. It has been previously documented in the media that many criminal and terrorist incidents have been thwarted due to intelligence gained by these means. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on both national security and law enforcement.

#### Factors favouring confirmation or denial for S24

The information if held simply relates to national security and confirming or denying whether it is held would not actually harm it. The public are entitled to know what public funds are spent on and what security measures are in place, and by confirming or denying whether any other information regarding the bombing of the Alliance Party offices is held would lead to a better-informed public.

#### Factors against confirmation or denial for S24

By confirming or denying whether any other information is held would render Security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK and increase the risk of harm to the public.

#### **Balance Test**

The security of the country is of paramount importance and the Police service will not divulge whether any other information is or is not held if to do so would place the safety of an individual at risk, undermine National Security or adversely affect ongoing investigations. Whilst there is a public interest in the transparency of policing operations and providing assurance that the police service is appropriately and effectively engaging with the threat posed by various groups or individuals, there is a very strong public interest in safeguarding the integrity of police investigations and operations in the highly sensitive areas such as crime prevention and public disorder.

As much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances. It is our opinion that for these issues the balancing test for confirming or denying whether any other information is held is not made out.

However, this should not be taken as necessarily indicating that any information that would meet your request 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.psnipolice.uk](http://www.psnipolice.uk)

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