



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2018-02662

**Keyword:** Crime

**Subject:** Complaints Against Banks

### Request and Answer:

Your requests for information below have now been considered. In respect of Section 1(1)(a) of the Freedom of Information Act 2000 (FOIA).

### Request

1. How many criminal complaints have been made to your force about the following institutions since 1 January 2008: Royal Bank of Scotland, NatWest, Lloyds Bank, Lloyds TSB, Bank of Scotland, Danske Bank, HBOS, Ulster Bank, Barclays, HSBC, Clydesdale Bank, Yorkshire Bank, CYBG, Co-op Bank, TSB, Halifax, Santander, PwC, EY (or Ernst and Young), KPMG and Deloitte.
2. Please could you also tell me the date each complaint was filed on and the status of each case (e.g. no further action, investigating, referred to another authority, etc.)
3. In the case of a 'no further action', please provide the date on which the case was closed. In the case of a 'referred to another authority', please name the other authority.
4. If possible, could you also please provide a brief description of the criminal complaint made?

### Answer

In accordance with the Act, this letter represents a Refusal Notice for this part of your request. The Police Service of Northern Ireland 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 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 that would not otherwise be apparent) why the exemption applies.

The Police Service of Northern Ireland (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 Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

### Section 30(3) - Investigations

Section 30 is a class based qualified exemption and there is a requirement to consider the public interest to ensure neither confirming or denying information is held is appropriate.

The full text of exemptions can be found at [www.legislation.gov.uk](http://www.legislation.gov.uk) and further guidance on how they operate can be located on the Information Commissioners Office website [www.ico.org.uk](http://www.ico.org.uk).

### 'Neither Confirm nor Deny' (NCND)

There may be occasions when complying with the duty to confirm or deny under section 1(1) (a) would in itself disclose sensitive or potentially damaging information that falls under an exemption. In these circumstances, the Act allows a public authority to respond by refusing to confirm or deny whether it holds the requested information.

The decision to issue a 'neither confirm nor deny' response is not affected by whether we do or do not hold the information but relates to the consequences of confirming or denying the information is held. The starting point and main focus in most cases will be theoretical considerations about the consequences of confirming or denying that a particular type of information is held. The decision to neither confirm nor deny is separate from a decision not to disclose information and needs to be taken entirely on its own merits.

There will be occasions when police services do not want to confirm information into the public domain, therefore police services must consistently use 'neither confirm nor deny' in FOI responses to protect occasions where they may hold information in such matters and to place this fact into the public domain would undermine a policing role i.e. an NCND response is used both where:

- (i) there is no recorded information held which falls within the scope of a FOI request.
- (ii) there is recorded information held.

PSNI follow the Information Commissioner's Guidance in relation to 'NCND' and you may find it helpful to refer to this at the following link:

[https://ico.org.uk/media/for-organisations/documents/1166/when\\_to\\_refuse\\_to\\_confirm\\_or\\_deny\\_section\\_1\\_foia.pdf](https://ico.org.uk/media/for-organisations/documents/1166/when_to_refuse_to_confirm_or_deny_section_1_foia.pdf)

### **Harm in Confirming or Denying that Information is Held**

Any release under FOIA is a disclosure to the world, not just to the individual making the request. Police forces work in conjunction with other agencies and on a daily basis information is freely shared in line with information sharing protocols.

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

In this case the impact of providing information under FOI which aids in identifying whether or not PSNI has had criminal complaints made in respect of Banks would provide those intent on committing criminal acts with valuable information relating to which Banks have or have not been investigated over criminal complaints.

The public do not expect police forces to jeopardise investigations into criminal activity.

Although there is a public interest in knowing that Police Services investigate reports of crime fully in financial institutions there is no public interest in providing information into the public domain which may impact negatively on police investigations.

## **Public Interest**

### Section 30 - Factors Favouring Confirmation or Denial

There is a public interest in the transparency of policing operations and to provide assurance that the PSNI is appropriately and effectively investigating crime. Confirming or denying that information exists relevant to this request would lead to a better informed public demonstrating that PSNI undertake evidence gathering appropriately and in line with current legislation in order to assist criminal investigations.

### Section 30 - Factors Against Confirmation or Denial

Confirmation or denial would highlight that police resources are being utilised to focus on specific areas of criminal activity. Whilst there is a public interest in the transparency of policing operations and providing assurance that PSNI is appropriately and effectively investigating crime, there is a strong public interest in safeguarding the integrity of police investigations and operations and in maintaining confidence in the Police Service.

## **Decision**

Confirmation or denial of whether the PSNI hold any information would amount to a release of information either on this occasion or on other occasions where a similar request is made. A disclosure of information under Freedom of Information is a release to the world in general and not just to the individual applicant. Once information is disclosed by FOI there is no control or limits as to who or how the information is shared with other individuals, therefore a release under FOI is considered a disclosure to the world in general. The disclosure of such information may compromise police investigations into criminal complaints against Banks.

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 from criminals, there is a very strong public interest in safeguarding the integrity of police investigations and operations.

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.psnipolice.uk](http://www.psnipolice.uk)

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