



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2018-00965

**Keyword:** Finance

**Subject:** Earned Revenue

### Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act I can confirm that the Police Service of Northern Ireland does hold some information to which your request relates and this is being provided to you. We further consider the information you seek in your request number F-2018-00965 is exempt by virtue of Sections 31, 38 and 40 of FOIA and have detailed our rationale as to why this exemption applies. We have also provided you with links to guidance issued by the Information Commissioner's Office which we have followed in responding to your request.

(Refinement of F-2018-00333)

This is a request for information under the Freedom of Information Act, and refers to PSNI earned revenues.

### Request 1

Please provide a list of all bodies from which the Force has earned revenue since 01/01/2015, excluding revenue generated from firearms licencing and accident report fees

### Request 2

For each bodies please state, excluding revenue generated from firearms licencing and accident report fees:

- a) how many transactions the Force has conducted with it
- b) the total revenue earned
- c) a description of the services provided by the Force

### Answers 1 and 2

Please find the information provided in the separate spreadsheet however the company names have been withheld for the reasons as outlined below:

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 exemptions, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 38 (1) (a) – Health & Safety – Information is exempt information if its disclosure under this Act would, or would be likely to (b) endanger the safety of any individual.

We have explained below in our response why these exemptions are engaged and the full text of exemptions can be found at [www.legislation.gov.uk](http://www.legislation.gov.uk) . Further guidance on how they operate can be located on the Information Commissioners Office website [www.ico.org.uk](http://www.ico.org.uk).

Section 38 is a prejudice based qualified exemption and this means that the public authority is required to provide harm that could occur following disclosure of the requested information and must consider the balance of the public interest in releasing the information against the public interest in withholding it.

A summary of the Harm and Public Interest Test for 38 is provided below.

### **Harm**

Releasing the names of contractors to the PSNI would likely highlight their association with PSNI to terrorists. Disclosing the name of a company would likely put the business and employees at risk of attack by those seeking to deprive PSNI of essential services or supplies as part of their campaign. Terrorism in Northern Ireland remains a severe threat and particularly to the Police Service.

### Factors Favouring Release - Section 38

Disclosure of this information would promote openness and transparency and the public would be better informed how public funds are spent PSNI will not want to endanger the health and safety of any individual.

### Factors Favouring Retention - Section 38

Disclosure of the names of companies associated with PSNI would be advantageous to criminal and terrorist elements which would leave them vulnerable to attack by criminals or terrorists. By disclosing the information would be of significant risk to individuals within these companies and this would result in a loss of confidence in the PSNI to protect these individuals.

### Decision

Whilst accountability surrounding the use of public funds is always a strong argument in favour of releasing information, the balance will always favour retention where there is a significant risk to the safety of individuals. At this time, the Service is under severe dissident threat and to release the names of companies providing a service to the PSNI could assist terrorists in targeting these individuals. In this case, therefore the decision must favour not releasing the names of the company connected to PSNI. Whilst there is a public interest in the transparency of policing and providing assurance that the police service is accountable in its use of Public funds the safety of individuals is of paramount importance and the PSNI will not divulge any information which could put lives or property at risk and no release under FOI should be made where lives would be put at risk.

### **Request 3**

Please state how many forms have been submitted to the International Police Assistance Board (IPAB) or Joint International Policing Hub (JIPH) with respect to the Force's revenue generating activities?

### **Answer**

One.

### **Request 4A**

For each form please state the date of its submission

**Answer 4A**

Submission Date is 7<sup>th</sup> May 2015.

**Request 4B**

Names of the contracting parties in the forms

**Answer 4B**

Police Service of Northern Ireland and Ministry of Interior Qatar.

**Request 4C**

Description of the services to be provided

**Answer 4C**

PSNI provided at the request Qatar Police College through the Ministry of Interior (Mol), Qatar assistance with training and development to help prepare for major events, specifically relating to the World Cup to be held in Qatar in 2022. Specific assistance has been requested in relation to public order and event management – building on the experience of PSNI in planning and delivering the G8 event, World Police and Fire Games, etc. Qatar Police College, through the Mol who have also requested support in training through the development of officer placements in Northern Ireland, specifically in Community Policing, Roads Policing, Human Resources and Human Rights.

**Request 4D**

Summary of risks identified to the Force

**Answer 4D**

The PSNI followed the Overseas Security and Justice Assistance (OSJA) Human Rights Guidance (issued by HM Government) when considering involvement, with no serious Human Rights issues identified.

**Request 5**

Please provide copies of all IPAB or JIPH forms described in question three.

Where you find any relevant material is subject to an exemption under the Act, please redact only those parts of the document that are subject to the exemption and release the remainder of the document.

**Answer 5**

Please find the form requested at the end of this correspondence, however some of the information has been redacted for the reasons outlined below:

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:

- (d) states that fact,
- (e) specifies the exemption in question and
- (f) states (if not otherwise apparent) why the exemption applies.

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

Section 31(1)(a)(b) – Law Enforcement

Section 40(2) (a) (b) by virtue of 40(3) (A) (a) – Personal Information.

We have explained below in our response why these exemptions are engaged and the full text of

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

### Section 40 – Personal Information

Section 40, Personal Information, is an absolute exemption which means there is no requirement on the Public Authority to consider whether there is a public interest in disclosure. This is so because personal data is governed by other law or applied General Data Protection Regulation (GDPR) which forms part of the Data Protection Act 2018. A disclosure under the Freedom of Information Act is a release of information to the world in general and not just to the individual applicant.

Under the Freedom of Information Act, PSNI must consider if information can be released into the public domain. The information redacted by PSNI relates to persons who I consider could be identified from that information. I have therefore considered whether the disclosure of this personal data is subject to the exemption at Section 40(2) of the Freedom of Information Act 2000 by virtue of S40 (3)(A)(a). If the disclosure of the personal data would contravene any of the eight data protection principles contained within General Data Protection Regulation (GDPR) which forms part of the Data Protection Act 2018.

The eight data protection principles are good information handling standards which PSNI must comply with in relation to how it handles personal information, including deciding whether to disclose it or not. In particular, the first principle requires personal data to be processed 'fairly and lawfully'. In considering whether it is 'fair' to any individual to release information about them, PSNI considered the likely expectations of those individuals and the nature of the information involved. Individuals including PSNI staff must have confidence that their information is treated sensitively and appropriately by the organisation. I have considered that those individuals would not have any reasonable expectation that PSNI would disclose such information of this nature about them. I also consider it would be extremely unfair to those individuals and therefore a breach of the first principle of data protection legislation. Therefore disclosure would be in contravention of the first Data Protection Principle as it would be 'unfair' to those individuals to release it and PSNI has made the decision to withhold the information redacted by PSNI relates to persons who we consider could be identified from that information.

Section 31 is a qualified and class-based exemption which means that the legislators have determined that harm in release must be evidenced and also that a public interest test should be conducted.

A summary of the Harm and Public Interest Test for Section 31 is provided below.

### **Harm Test**

Disclosure of the details of those suppliers used by PSNI is likely to cause operational harm and affect the PSNI's ability to fulfil its law enforcement role. Release of such information could provide terrorists groups and other criminals the opportunity to commit crime, impacting on the prevention and detection of crime and the apprehension of criminals by the police service. The disclosure of this information could put individuals at risk of harm and seriously impact on their safety. Information contained in the IPAB form refers to police direct dial telephone numbers and e-mail addresses and the release of this information is a sensitive area. Releasing these details would allow criminals, and anyone intent on hampering police law enforcement duties, to bombard the system with e-mails and phone calls therefore both directly and indirectly impacting on the prevention and detection of crime. Disclosure of the information relating to an individual at risk employed by PSNI could impact on his/her safety and thus disclosure of the individual's name may be valuable intelligence for terrorist groups.

### Factors favouring release – Section 31

Release of this information could give the public better access to Police Departments

### Factors favouring retention – Section 31

Disclosures of details about e-mail addresses and phone numbers could compromise the PSNI's law enforcement abilities by bombarding the addresses with e-mails and keeping the telephone lines engaged. This would mean that police officers and staff would be engaged in answering calls which could be better answered by others and release of an e-mail address could increase the risk of cyber-attack which would hinder legitimate e-mails from getting through. This could potentially lead to more crime being committed and individuals being placed at risk by important calls and information not getting through.

### **Decision**

The Police Service will not disclose information that may put individuals' lives at risk as their safety is of paramount importance. The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities they serve, and the Police Service will therefore not disclose information that may jeopardise these important functions. The security of the country is of paramount importance and will not divulge what other information is held if to do so would place the safety of an individual at risk. PSNI remains under SEVERE threat and disclosure of the information has the potential to assist those intent in carrying out attacks on those perceived as being associated with PSNI

In this case I am satisfied that the exemptions outlined above are applicable to this information.

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.