



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-01152

Keyword: Operational Policing

Subject: ANPR

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 request number 5 is exempt by virtue of Section 31 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.

Request 1

Confirmation that there is a written specific policy and/or code of practice for PSNI in detailing the purpose, justification, procedure, measure and safeguards that will be implemented in using ANPR cameras.

Request 2

If the answer to (1) is that there is a policy/code of practice in place, a copy of same.

Answers

Please find below links to the PSNI website which provides the Service Procedure 10/15 which is relevant to your request:

https://www.psni.police.uk/globalassets/advice--information/our-publications/policies-and-service-procedures/service_procedure_10-15.pdf

Request 3

Confirmation that there is a written specific policy/guidance/code of practice for PSNI in the retention of images which are captured by ANPR and a copy of same.

Answer

The information is available in the public domain and for your convenience please see the links below to both the Information Commissioners Office (ICO) guidance and College of Policing:

<https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

<https://www.app.college.police.uk/app-content/information-management/management-of-police-information/>

Request 4

What happens to the capture images when saved?

Answer

The images are stored in line with the GDPR Act.

Request 5

How many images are captured of the car when going past an ANPR camera?

Answer

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, 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 - Information would be likely to prejudice (a) the prevention or detection of crime (b) the apprehension or prosecution of offenders.

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

Harm

Section 31

Due to the information being requested which falls under this exemption if disclosed would likely prejudice Police functions and the information would be useful to terrorist / criminals to commit crime and therefore endangering individuals. PSNI consider this information crucial to its methodologies and policing operations in the fight against criminal activity and terrorism. Releasing these details would allow criminals, and anyone intent on hampering police law enforcement duties, thus impacting on the prevention and detection of crime. Release of information under FOI is considered a release to the world in general, not just to the individual requesting the information.

This argument is further confirmed by the current threat level in Northern Ireland which is currently SEVERE. PSNI is aware of the mosaic and precedent effects of releasing information which may be of use to terrorists. A clear link exists between knowledge available to criminals and the way they operate, with the resultant impact on PSNI potentially giving a tactical advantage to criminals.

Public Interest Test

Factors Favouring Release – Section 31

Release of this detailed information could inform how public money is spent and provide an insight into PSNI's use of law enforcement. This enhanced knowledge would assist in providing transparency in the way PSNI carry out their day-to-day delivery of operational law enforcement. The public have a right to expect transparency and accountability in relation to the use of Public Funds.

Factors Favouring Retention – Section 31

Disclosure of this information could compromise law enforcement tactics and If any persons were involved in crime would be able to use and would assist them to avoid detection. To release information which reveals police operational methodology and in combination with any other information they have gathered to try and prejudice law enforcement , compromising law

enforcement tactics and hindering the prevention and detection of crime and apprehension or prosecution of offenders, impacting on police resources.

Decision

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Whilst there is a public interest in the transparency of the law enforcement role of the Police Service and providing assurance that the PSNI is appropriately and effectively dealing with crime, there is a strong public interest in safeguarding the integrity of the police service. Whilst the PSNI would always wish to be transparent and accountable, there is a very strong interest in protecting police officers and safeguarding police methodology. The PSNI has a duty to fulfil its law enforcement role and whilst there is a public interest in the transparency of policing activities and the appropriateness of how public funds are allocated, in Policing, the delivery of effective law enforcement is a priority. The release of information under the Freedom of Information Act is a release into the public domain and not just to the individual requesting the information. 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. While there is a strong public interest in releasing the information requested the PSNI must ensure that law enforcement is not adversely affected.

The Service is currently under SEVERE threat from terrorists and disclosure of this level of information has the potential to assist those criminal elements seeking to carry out attacks against police officers. The Police Service will not disclose information that will put officers' lives at risk as the safety of individuals is of paramount importance and by releasing operational policing details into the public domain has the potential to assist criminal elements to launch attacks at police officers

However, police need to make balanced judgements which justify why some information needs to remain exempt and unpublished. I have therefore determined that the release of this information into the public domain would not be in the public interest.

Request 6

Where are the images kept once saved?

Answer

They are stored on a "secure electronic storage system".

Request 7

Are the images subject to Article 8 ECHR/ Data Protection Assessments?

Answer

Yes, as referred to in the ICO guidance, databases are kept up-to-date and accurate.

Request 8

How long are the captured images retained for?

Request 9

How are they secured whilst being retained?

Answers 8 and 9

The information is available in the public domain and for your convenience please see the links below to the ICO guidance and College of Policing:

<https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

<https://www.app.college.police.uk/app-content/information-management/management-of-police-information/>

Request 10

Confirmation as to how a registered car owner can make an application to remove all images

retained in respect of his car and/or his person in circumstances where they are not being relied upon in the pursuance of a criminal investigation and/or prosecution.

Answer

Any member of the public can make a request to PSNI for their personal information and for erasure of their personal information. This can be accessed at the following link on the PSNI website on the 'Information about yourself' section, followed by – 'making a subject access request' and 'enacting other rights under Data Protection' subsections.. All requests will be considered on a case by case basis and with regard to PSNI's legal obligations.

https://www.psnipolice.uk/advice_information/information-about-yourself/

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.

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

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