



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-02769

Keyword: Operational Policing

Subject: European Arrest Warrants

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 information to which your request relates. The decision has been taken to disclose the following.

Request 1

How many times has the PSNI used the European Arrest Warrant (EAW) over the past ten years (2008-2018)? - I would like a year-by-year breakdown for each of these years.

Answer

Please see the data requested below broken down by year:

2008 = 2
2009 = 2
2010 = 4
2011 = 8
2012 = 3
2013 = 7
2014 = 11
2015 = 4
2016 = 9
2017 = 11
2018 = 18 (to 28th December)

Please note the Record Owner has interpreted this request to relate to people who have been extradited and the figures provided refer accordingly.

Request 2

How many of these warrants over the past 10 years (2008-2018) were issued for an arrest in the Republic of Ireland?

Answer

Please see the data requested below broken down by year:

2008 = 2

2009 = 2
2010 = 4
2011 = 2
2012 = 3
2013 = 5
2014 = 10
2015 = 2
2016 = 5
2017 = 7
2018 = 8 (to 28th December)

Request 3

How many of these European arrest warrants (from 2008-2018) are currently outstanding (i.e. have not been acted on)?

Answer

Please see the data requested below broken down by year:

2009 = 1
2014 = 1
2017 = 2
2018 = 23 (to 28th December)

Please note in conjunction with the figures provided for request 3, the figures should relate to people who have not yet been arrested.

Please note the following caveats with all the data provided:

- The data has all been provided from working records.
- The data was been provided from a spreadsheet which is manually updated and therefore should allow for any human error. Filters have been applied to retrieve the data requested.
- A different set of search parameters is applied to each question. The results of each do not indicate a culminate total, rather a result at individual stages of a lengthy process, per each calendar year.
- The results should not be taken out of context of the wider number of European arrest warrants (EAWs) applied for each year.
- The figures above refer to European Arrest Warrants **sent out**, not in relation to European Arrest Warrants **received in by PSNI**.

In accordance with the Act, and in conjunction with the responses provided for your request although PSNI is confirming that it does hold information in this case which you have requested, however there are times when it is appropriate for a police service to also neither confirm nor deny that it does hold information which may or may not be supplied by security bodies, this does not indicate that they do or do not hold information but rather applies where a request may in 'in the territory of national security'. In accordance with guidance issued by the Information Commissioner's Office and available at the following link below, this ensures a consistency of responses for all police services. It may not be out with the realms of possibility that European Arrest Warrants would be utilised or relevant to issues of national security so the application of a neither confirm nor deny exemption assists with protecting those matters. This does not indicate that PSNI does or does not hold information supplied by a security body in this case.

https://ico.org.uk/media/for-organisations/documents/1182/security_bodies_section_23_foi.pdf

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.

Section 23(5) – Information Supplied By Or Concerning Certain Security Bodies – further information on the bodies referred to can be found in the full text of exemptions and a link is provided below.

‘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.

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

Section 23 is an absolute and class-based exemption which means that the legislators have determined that there is no requirement to evidence the harm in confirming or denying information is or is not held or to conduct a public interest test.

Section 1(1) (a) of the Act requires a public authority to confirm whether it holds the information that has been requested.

Section 23(5) provides an exemption from this duty. Section 23(5) of the FOIA states that “the duty confirm or deny does not arise if, or to the extent that, compliance with section 1(1) (a) would involve the disclosure of any information (whether or not already recorded) which was directly or indirectly supplied by, or relates to, any of the bodies specified in subsection (3).”

The police service in its’ fight against crime and terrorism may engage at times with the bodies listed at Section 23 of the FOIA and on occasions there may be information provided to police from one of these bodies. As advised above the decision to issue a NCND 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. To confirm or deny whether intelligence was used in specific investigations would undermine police services’ ability to use intelligence information as an operational tool for investigating crimes including those that may have occurred historically. The NCND response is used to avoid risks caused by providing inconsistent responses to a series of similar requests where the information may originate from a number of sources and not necessarily a security body.

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.psni.police.uk

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