



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2018-02403

**Keyword:** Operational Policing

**Subject:** Mutual Aid Deployments

### 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

A breakdown of the number of mutual aid deployments to Northern Ireland during the marching season (between April and August). Please could I have the total number of officers deployed from other forces each month and from which force.

Could I please have the data for the last FIVE years, from April 2014 to August 2018 or the most recently available data? Could you please sort the data by year?

### Answer

Please see attached spread sheet detailing the information requested. On the spread sheet notes relate to deployments inside of specified time frames but outside of those associated with 'marching season'

In addition, the Police Service of Northern Ireland (PSNI) can Neither Confirm Nor Deny that it holds any other 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 23(5) Information Supplied by, or concerning, certain Security Bodies – confirmation or denial would likely prejudice information directly or indirectly supplied to the public authority by, or relates to, any specified bodies.

Section 24(2) - National Security – confirmation or denial would likely prejudice information which is required for the purpose of safeguarding national security.

Section 23 is an absolute exemption and a public interest test is not required. Section 23 has an automatic bar to disclosure of information.

Section 24 is a qualified and prejudice-based exemption which means there is a requirement to conduct both a public interest test and evidence the Harm in release.

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 in the public domain whether or not they hold information, therefore police services must consistently use 'neither confirm nor deny' in FOI responses to protect occasions where they may hold information and to place this fact in the public domain would undermine the police service 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)

### Section 23(5) – Information supplied by, or relating to, bodies dealing with security matters

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. 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.

### **Harm in Confirming or Denying Any Other Information is Held**

Any release under the Freedom of Information Act is a disclosure to the world, not just to the individual making the request. To confirm or not that any other information is held pertinent to this request could undermine national security.

At present the threat level from international terrorism faced by the United Kingdom from criminal and terrorist groups is assessed as substantial. The threat level for Northern Ireland related terrorism is severe. In order to counter criminal and terrorist behaviour it is vital that the police and other agencies have the ability to work together, where necessary covertly, in order to obtain intelligence within current legislative frameworks, such as the Police and Criminal Evidence Act 1984 and the Regulation of Investigatory Powers Act 2000, to ensure the successful arrest and prosecution of offenders who commit or plan to commit acts of terrorism.

Another point to raise, is that to achieve this goal it is vitally important that information sharing takes place between police officers, members of the public, police forces as well as other security law enforcement bodies within the United Kingdom. Such an action supports counter-terrorism measures in the fight to deprive terrorist networks of their ability to commit crime.

## **Public Interest Test**

### Section 24 - Factors Favouring Confirmation or Denial

The public is entitled to know how resources are distributed within an area of policing. To confirm other information exists would provide the public with reassurance that public funds are being spent appropriately and responsibly. In the current financial climate of cuts and with the call for transparency of public spending this would enable improved public debate.

### Factors Favouring Non-Disclosure - Section 24

As evidenced within the harm to confirm other information is held pertinent to this request would highlight to terrorists and individuals intent on carrying out criminal activity who and what information is shared with other forces and law enforcement agencies.

Taking into account the current security climate within the United Kingdom, no information which may aid a terrorist should be disclosed. To what extent this information may aid a terrorist is unknown, but it is clear that it will have an impact on a force's ability to monitor terrorist activity.

## **Decision**

Whilst there is a public interest in the transparency of policing and in this case providing assurance that the police service is appropriately and effectively engaging with the threat posed by terrorist activity, there is a very strong public interest in safeguarding both national security and the integrity of police operations.

Irrespective of what information is or is not held, the public entrust the Police Service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with what is placed into the public domain.

Any confirmation or denial by PSNI that places the security of the country at risk, no matter how generic, would undermine any trust or confidence individuals have in us; therefore, at this moment in time it is our opinion that for these issues the decision favours neither confirming nor denying that any other information is held.

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.psni.police.uk](http://www.psni.police.uk)

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