



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2018-00773

**Keyword:** Operational Policing

**Subject:** Police Operation

### Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Freedom of Information Act 2000 (FOIA) I can confirm that the Police Service of Northern Ireland (PSNI) does hold information in relation to Request 4 and this is being provided to you. In relation to Requests 1, 2 and 3, PSNI is providing a Neither Confirm Nor Deny (NCND) response and this is explained further in the response below.

#### Request 1

I request information under the above legislation in relation to a Police Operation at XXXXXXXXXXXX on XXXXXXXXXXXX. How many Police officers were called upon for this operation?

#### Request 2

How much did this operation cost to organise and undertake?

#### Request 3

How long did it take to organise this operation?

#### Answer

Section 1 of the 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 the 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 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 FOIA does not apply by virtue of the following exemption:

Section 30(3) – Investigations and Proceedings Conducted by Public Authorities. The duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1) or (2).

Section 30 is a class based, qualified exemption which means the public interest must be considered to ensure neither confirming nor denying that information is held is appropriate, however there is no requirement to evidence the harm that confirmation or denial could cause.

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 FOIA 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](https://ico.org.uk/media/for-organisations/documents/1166/when_to_refuse_to_confirm_or_deny_section_1_foia.pdf)

#### **Public Interest**

##### Section 30 - Factors Favouring Confirming or Denying

There is a public interest in the transparency of policing operations and to provide assurance that PSNI is appropriately and effectively dealing with crime. Confirming or denying whether any information is held relevant to this request would result in the public being better informed in the area of criminal investigations.

##### Section 30 - Factors Against Confirming or Denying

Whilst there is a public interest in the transparency of policing operations and providing assurance that PSNI is appropriately and effectively dealing with crime, there is a strong public interest in safeguarding the integrity of police investigations and operations. Confirmation or denial that any information is held relevant to this request would undermine investigative processes and compromise the integrity of operations.

#### **Decision**

The release of information under FOI is a release into the public domain and not just to the individual making the request. Once information is disclosed, there is no control or limits as to how the information is shared with other individuals therefore a disclosure under FOI is considered a release to the world in general.

To confirm or deny that information is held in relation to Requests 1, 2 and 3 would in itself be a release of information into the public domain which may interfere with the effective conduct of investigations or proceedings.

Whilst there is a public interest in the transparency of policing operations and in providing assurance that PSNI is conducting appropriate and effective investigations, there is a very strong public interest in safeguarding the integrity of police investigations and operations and the only way of reducing risk is to be cautious with what is placed into the public domain.

At this moment in time it is our opinion that for these issues the decision favours neither confirming nor denying that the requested information is held and in accordance with the FOIA, this letter represents a Refusal Notice for Requests 1, 2 and 3.

This should not be taken as conclusive evidence that the information you requested does or does not exist.

#### **Request 4**

What are the Police powers when dealing with Civil matters?

#### **Answer**

The PSNI have a wide range of powers from various pieces of legislation and common law which sometimes include 'civil matters'.

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.