



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-01371

Keyword: Organisational Information/Governance

Subject: PSNI Fleet

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 and this is being provided to you. We further consider some of the information you seek is exempt by virtue of section 31 (1) (a) (b) & section 43 (2) of the FOIA and have detailed our rationale as to why these exemptions apply. 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

Would It be possible to have a copy of the current fleet list (including the surge fleet) for the service.

Request 2

Additionally would it be possible to have the following included in the information for each asset:

- Current mileage
- Annual cost of maintenance (most recently full available year)
- Make Model
- Operational use
- Assigned location/station
- Year of procurement

Answer

Please see attached Excel spreadsheet attached separately to this correspondence, detailing:

- Make/Model
- Year of procurement
- Station location
- Current mileage

of liveried PSNI vehicles. **Please note:** a blank cell indicates that no information is recorded.

The decision has been taken not to supply the remaining information requested in regard to non-liveried vehicles, maintenance costs and operational use and the reasons for this are set out in more detail 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 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 – the prevention or detection of crime and the apprehension or prosecution of offenders.

Section 43 (2) – Commercial Interests – Information would or would likely prejudice commercial interests of any person, including the public authority holding it.

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.

Section 31 is a prejudiced based exemption and this means it is the Public Authority's responsibility to evidence the harm. It is also a qualified exemption and therefore a Public Interest Test must be carried out.

Section 43 is a class based, qualified exemption, which means the legislators have agreed there would be harm if this information was released and a Public Interest Test must be conducted.

Harm Test

Given the unique operating environment in Northern Ireland, where the threat from terrorism remains severe, the disclosure of this information may be of use to those who seek to cause harm to police officers.

Details of non-liveried police vehicles may enable criminals or terrorist groups to identify those non-liveried vehicles while they engage in policing activities or covert operations and this could significantly impact the law enforcement role of police, potentially placing police officers at risk.

Disclosing the operational use of specific police vehicles in particular areas would be likely to present criminals with an opportunity to commit crime in those locations. Criminals would be able to map vehicle resources throughout the province and target areas considered to have less chance of detection. Therefore, compromising the effective operational law enforcement role of police, impacting on the prevention of crime and the apprehension of criminals.

Public Interest Test

Factors favouring disclosure – Section 31

Release of information relating to the entire PSNI fleet would lead to a better informed public and demonstrate openness and transparency.

Factors favouring non-disclosure – Section 31

Disclosure of information relating to the entire PSNI fleet could adversely affect the law enforcement role of police and potentially put police officers at risk of attack. The threat from terrorism remains severe across Northern Ireland and disclosing details of non-liveried vehicles and the operational use of police vehicles could be exploited by terrorists to mount attacks, placing both officers and the public at increased risk of harm.

Factor favouring disclosure – Section 43

Disclosure would better inform the public of the costs involved and demonstrate accountability in the spending of public money.

Factors favouring non-disclosure – Section 43

There is a keen public interest in how public authorities spend public money and that value for money is achieved. Disclosure of the annual maintenance cost could impact on the upcoming tender process for the Service and Repair of fleet vehicles where bids are invited for the hourly rate of servicing and repairing vehicles by Manufacturer type.

Disclosure at this time may reduce the ability of PSNI to obtain value for money in procurement and this is the overriding public interest when considering whether to disclose the information sought.

The PSNI's commercial interests could be prejudiced if costs were disclosed which would damage the business reputation of the Service. The FOIA does not define commercial interests and the ICO Guidance on the application of Section 43 suggests that "... a commercial interest relates to a person's ability to participate competitively in a commercial activity i.e. the purchase and sale of goods or services."

Disclosure could discourage companies from submitting commercially sensitive information and consequently undermine the ability of the PSNI to procure best value for public funds and to conduct a fair tender competition in the future. To disclose such commercially sensitive information could diminish confidence in the integrity of the public tendering process thus discouraging companies from competing in public sector tenders. A consequence of this would be to reduce the ability of public authorities to obtain value for money in procurement.

Decision

The PSNI is tasked with the prevention and detection of crime and protecting the public. At this time of increased threat of terrorism, releasing detailed information on all PSNI fleet into the public domain would not be in the public interest.

The release of information under FOI is a release into the public domain and not just to the individual requesting the information. Once information is disclosed by FOI, there is not control or limits as to how the information is shared with other individuals, therefore a release under FOI is considered a release to the world in general.

The PSNI remain under severe threat from Dissident Republicans and disclosure of this information has the potential to assist those intent on carrying out attacks on police officers. Whilst the PSNI would always wish to be transparent and accountable no release under FOI should be made where lives would be put at risk. Whilst the requested information may appear innocuous, we must take into account the wider implications of any release into the public domain including how the requested information may be combined with any previously released data or potential future FOI requests and what impact this 'mosaic' of information will have on the police service as a whole.

Whilst accountability surrounding the use of public funds is always a strong argument in favour of releasing information, I have decided that disclosing maintenance costs would not be in the public interest for the reasons outlined.

We have therefore determined that a full disclosure of information into the public domain would not be in the public interest. However, it has been determined that a partial disclosure of information relating to the PSNI liveried police vehicles can be released without resulting in harm and this has been provided in the attached Excel spreadsheet.

In addition, we can confirm that all of the vehicles listed in the attached spreadsheet are owned by PSNI. All new vehicles are purchased from the Crown Commercial Services New Vehicle framework which is due to expire on 1st December 2018 and the procurement of PSNI vehicles is an ongoing

process.

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.