



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-02235

Keyword: Road Policing

Subject: Cameras on Rural Roads

Request and Answer:

In relation to these requests Police Service of Northern Ireland is providing a Neither Confirm nor Deny (NCND) response and will explain this further in the response below.

Request 1

I have noticed, in the recent months, an increase in the number of cameras appearing on our roads. The most recent I've noticed are at the junction with the A47 and the A35 Boa island road and the Pettigo road. I would be interested in in the following with regard to these. Who put these up?

Request 2

What is their purpose?

Request 3

What data protection is in place for their use?

Request 4

Who monitors the cameras?

Answer

In accordance with the Act, this letter represents a Refusal Notice for this particular request. The Police Service of Northern Ireland can neither confirm nor deny that it holds the information you have requested.

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.

The Police Service of Northern Ireland (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 Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

Section 24(2) - National Security - The duty to confirm or deny does not arise if, or to the extent that, exemption from section 1(1)(a) is required for the purpose of safeguarding national security.

Section 31(3) - Law Enforcement - The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1).

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.

'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

Harm in Confirming or Denying that Information is Held

To confirm or deny the presence of any cameras could compromise and/or restrict future operational contingencies and disrupt the PSNI's legitimate aim of keeping People Safe. Ultimately, confirmation or denial would undermine policing across the province and in the UK, impacting national security.

The release of information under Freedom of Information (FOI) is a release into the public domain and not just to the individual requesting the information. Once information is disclosed under 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.

Confirmation or denial of cameras in a specific area could be detrimental to PSNI's ability to deliver effective policing. Divulging any police resources could undermine policing capabilities. This would prejudice the effectiveness of the law enforcement role of police. Confirmation or denial has the potential to inform those with unlawful intent, with knowledge of tactical policing, providing opportunities to evade police.

Public Interest Test

Factors Favouring Confirmation or Denial - S24

The public are entitled to know how public funds are spent and confirmation or denial that information is held would inform the public of how this money is being spent and that PSNI is actively working to effectively monitor and deliver operational law enforcement to the roads infrastructure.

Factors Against Confirmation or Denial - S24

To confirm or deny cameras at a specific location would be beneficial to criminal offenders and potential terrorists thereby seriously threatening National Security and the effective delivery of operational law enforcement. Ongoing or future operations to protect the security and infrastructure of the UK would be compromised as criminals could map the level of policing activity across the country. Ultimately, the risk of harm to the public would be elevated and the opportunities for criminals increased.

Factors Favouring Confirmation or Denial - S31

Confirming or denying the presence of any cameras in a specific area would enhance the transparency and accountability of the force. This would enable the public to have a better understanding of effectiveness of police, particularly in relation to the spending of public funds.

Factors Against Confirmation or Denial - S31

To confirm or deny the existence of cameras at a specific location would aid criminal elements to evade police. This would compromise the law enforcement role of police, hindering the prevention and detection of crime.

Decision

The security of the country is of paramount importance and the Police Service will not divulge whether information is or is not held if to do so would undermine National Security, place the safety of individuals at risk or compromise the law enforcement role of police.

Whilst there is a public interest in transparency and demonstrating that PSNI is justified and accountable in the use of funds to conduct their vital work and provide assurance that it is appropriately and effectively carrying out its law enforcement role, there is a very strong public interest in safeguarding both national security and the integrity of police tactics. 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 any information that is released.

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances.

Taking all these factors into consideration, I am satisfied that the exemptions outlined above are applicable to this request. It is for these reasons that the public interest must favour neither confirming nor denying that the requested information is held. Confirmation or denial would be detrimental to the law enforcement role of police and national security.

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.

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.