

Keeping People Safe



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2021-00019

**Keyword:** Organisational Information/Governance

**Subject:** Learning Management System

### 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 the information you seek in Request Number 1 A is exempt by virtue of Sections 31 and 38 of FOIA and have detailed our rationale as to why this exemption applies. 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

Do you use an LMS (Learning Management System) within your organisation?

### Answer

Yes.

### Request 1A

If yes, which organisation supplies this product/service to you?

### Answer

PSNI are withholding this information and have articulated our rationale 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 exemptions, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

**Section 31 Law Enforcement: 31(1)(a) the prevention or detection of crime, 31(1)(b) the apprehension or prosecution of offenders**

**Section 38 (1)(b) – Health & Safety – Information is exempt information if its disclosure under**

**this Act would, or would be likely to (b) endanger the safety of any individual.**

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).

Section 31 and 38 are prejudice based qualified exemptions and there is a requirement to articulate the harm that would be caused in releasing the requested information as well as considering the public interest to ensure that withholding the information is the appropriate response.

### **Harm**

The release of contractual information specifically around a supplier's name could reveal capabilities available to the PSNI and consequently give important information to terrorists and criminals. The release of this information combined with detailed information readily available on the internet would allow terrorists and other criminals to identify the strengths and weaknesses of capabilities and they would be able to use information in planning terrorist and criminal acts. This would therefore both directly and indirectly impact on the prevention and detection of crime, the apprehension of terrorists and criminals and increase the fear of crime in the community the police service seeks to serve. The supplier's name has been withheld as releasing this name would likely highlight the direct association of the supplier with the PSNI. Release of information under FOI is considered a release to the world in general, not just to the individual requesting the information. Disclosure of some a company name into the public domain would likely place the business and employees at risk of attack by those seeking to deprive PSNI of essential services or supplies. Terrorism in Northern Ireland remains a severe threat and particularly to the Police Service.

### **Public Interest Test**

#### Factors favouring disclosure - Section 31

In times of public expenditure cuts the public have an interest in knowing how public money is being spent in ensuring value for money both at the point of purchase and also in respect of what those resources are to be used for.

#### Factors favouring non-disclosure - Section 31

Disclosure of some supplier identities would mean that individuals could research details about capabilities available to the PSNI which may allow terrorists and criminals the opportunity to assess strengths and any possible weaknesses of these capabilities. This would compromise law enforcement which could lead to more crime being committed and individuals being placed at risk. It may also be used by criminals/terrorists in combination with other information they have gathered to try and prejudice law enforcement. .

#### Factors Favouring Release - Section 38

Releasing the information would promote openness and transparency. There is always a strong public interest in information that relates to the use of public funds and the procurement of services and suppliers.

#### Factors Favouring Retention - Section 38

Releasing the name of a PSNI supplier into the public domain may assist terrorist groups or criminal elements to carry out attacks on these businesses or members of staff. The current terrorism threat level in Northern Ireland is rated as 'severe' and dissident republican groups consider those associated with PSNI as viable targets. In the past such attacks have been known to be indiscriminate in nature, therefore endangering members of the general public in addition to their intended target.

Terrorist activity is a real and current threat and the PSNI has a duty of care to protect individuals working for the Service. The PSNI will not disclose any information which may increase the risk of harm to any individual providing a service to the PSNI. To highlight some supplier names could endanger their employees.

## **Decision**

Once information is disclosed by 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 release to the world in general, not just to the individual requesting the information.

Whilst accountability in the transparency of monetary spend surrounding the use of public funds by PSNI is always a strong argument in favour of releasing information, the balance will always favour retention where there is a significant risk to the safety of individuals.

At this time, the Service is under severe dissident threat and to release the name of certain suppliers providing a service to the PSNI could assist terrorists in targeting their business. The safety of individuals is of paramount importance and the PSNI will not divulge any information which could put lives or property at risk. In this case, therefore the decision must favour withholding some supplier identities and not releasing a company.

## **Request 2**

Is your LMS supplied on a contract basis?

## **Answer**

Yes

## **Request 2A**

If yes, please confirm when the current contract comes to an end

## **Answer**

In September 2021.

## **Request 3**

Do you receive any other services from your LMS supplier? E.g. eLearning content

## **Answer**

No, PSNI build their own content in house.

## **Request 4**

Who is the key decision-maker for the aforementioned products/services?

If possible, please provide their contact details

## **Answer**

Jeff McNamara Head of the PSNI's Information Communication Services (ICS) and the email address is : [HeadofICS@psni.pnn.police.uk](mailto:HeadofICS@psni.pnn.police.uk)

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 Corporate Information Branch, 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 Corporate Information Branch, 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.