



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-00142

Keyword: Crime

Subject: TIU Investigations into PIRA

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1) (a) of the Act we can confirm that the Police Service of Northern Ireland does hold information to which your request relates. The decision has been taken not to supply the information you have requested and the reasons for this are set out in more detail below. 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.

I note the PCTF publishes very detailed regular press statements on operations against the UDA, UVF, and INLA. As PCTF does not investigate PIRA, please can you advise the following regarding TIU investigations into PIRA since 2015, or for the last three years if this is too long a period;-

Request 1

How many operations has TIU had against PIRA in this period?

Request 2

How many arrests has it made?

Request 3

How many people have been charged?

Request 4

How many prosecutions have there been?

Request 5

How many convictions?

Answer

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 24 (1) National Security – information required for the purpose of safeguarding national security.

Section 31 (1) – Law Enforcement – (1) Information would likely prejudice (a) the prevention and detection of crime (b) the apprehension or prosecution of offenders.

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.

Sections 24 and 31 are prejudice based, qualified exemptions, which means there is a requirement to articulate the harm that would be caused in releasing the information, as well as considering the public interest.

Harm

PSNI considers that release of material which relates to proscribed organisation, could assist criminals and terrorists in understanding what information is held on them which in turn could weaken Policing mechanisms, compromising the law enforcement role of police. Modern day policing is intelligence led and this is particularly pertinent with regard to both national security and law enforcement.

A disclosure under FOI is considered a release to the world in general and not just to the applicant requesting the information. Once information is disclosed by FOI, there is no control or limits as to who or how the information is shared with other individuals.

Disclosure would impact the apprehension and detection of offender's and undermines PSNI's law enforcement capabilities.

Public Interest Test

Factors Favouring Disclosure -Section 24

There is a public interest in the public being informed of how public funds are spent and how resources are used within an area of policing, providing reassurance that information is managed appropriately and responsibly and that resources are used effectively to protect national security.

Factors Favouring Retention -Section 24

Security measures are put in place to protect the public. As evidenced within the harm to provide this information could educate terrorists and individuals intent on carrying out criminal activity in police methodology and capabilities, placing the security of the country at increased risk.

Factors Favouring Disclosure – Section 31

The PSNI is charged with enforcing the law by preventing and detecting crime, apprehending offenders and protecting the communities we serve. There is a public interest in PSNI being transparent and accountable in the procedures and tactics used for preventing crime and bringing to justice those who engage in criminal acts. Disclosure could increase transparency and reassure the public that PSNI are using resources appropriately to enforce the law and ensure individuals are kept safe.

Factors Favouring Retention – Section 31

Release of information which could compromise PSNI's law enforcement abilities will not be in the public interest. Details which can educate criminals on police tactics will not assist police with apprehending and prosecuting offenders. PSNI also considers disclosure of this information which is not in the public domain, could compromise the PSNI's law enforcement abilities.

Decision

The PSNI considers that the factors favouring withholding the information are stronger than those in favour of disclosing the requested information. Whilst it is acknowledged that where possible, policing matters must be accountable to the public and transparent. Weakening the mechanisms used to monitor and investigate any type of criminal activity and specifically terrorist/criminal activity would clearly increase risk.

Whilst there is a public interest in releasing the information requested the PSNI must ensure that law enforcement is not adversely affected by the release of material which reveals information that could be of use to criminals / terrorists.

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.

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.