



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-00443

Keyword: Operational Policing

Subject: Identification Powers

Request and Answer:

Could you inform me of the powers a police constable has to ask for identification of a person and in what circumstances they would apply when:

Request 1

The person is on foot in public.

Request 2

The person is a passenger in a motor vehicle that has been stopped.

Clarification sought:

Q1 - Would you please advise what are the circumstances of being in that place at that time.

Q2 - Would you please advise the circumstances of why the vehicle was stopped.

Clarification received:

I am not sure I can provide much more clarification, I would accept multiple answers if there are certain prerequisites before powers of identification are justified. I will try to give more detailed examples but would prefer an answer of any possible powers that might apply and what would had to have happened instead of just any specific ones that would apply in my examples.

Q1, Public place, no direct suspicion of any crimes and no ongoing or recent incidents in the area.

Q2, Vehicle stopped for road traffic offence.

Answer

Your request for information has now been considered and the Police Service of Northern Ireland (PSNI) is not obliged to supply the information you have requested.

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 the applicant with a notice which:

- (a) states the fact,
- (b) specifies the exemption in question and
- (c) states (if that would not otherwise be apparent) why the exemption applies.

The following exemption has been applied:

Section 21 - Information Reasonably Accessible by Other Means

The information you are requesting is publically available and can be found via the link below:

www.legislation.gov.uk.

Power to stop and question a person is in Section 32 Police (NI) Act 2000 and also Section 21 (1) Justice & Security Act.

Power to stop a vehicle and get details of passenger is under Art 177(1) Road Traffic (NI) Order 1981.

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 email.

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 remain dissatisfied with the handling of your request, you may make a complaint to the Information Commissioner's Office, under Section 50 of the Freedom of Information Act, 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', or use the ICO self-service portal available at www.ico.org.uk/make-a-complaint/officialinformation-concerns-report/official-information-concern/

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 their discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psnj.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.