



FREEDOM OF INFORMATION REQUEST



Request Number: F-2021-00554

Keyword: Organisational Information/Governance

Subject: Security assessment made by the RUC and PSNI re the PIRA

Request and Answer:

Your request for information below has now been considered. In respect of Section 1(1)(a) of the Freedom of Information Act 2000 (FOIA) we can neither confirm nor deny that the Police Service of Northern Ireland does or does not hold the information you have requested. It is estimated that the cost of complying with your request for information would exceed the “appropriate costs limit” under Section 12(2) of the Freedom of Information Act 2000.

Request 1

I request the information held of the security assessment made by the RUC and PSNI on how the Provisional Irish Republican Army was structured in 1970 to 1979, 1980 to 1989, 1990 to 1999 and 2000 to 2021 and the names of who were believed to hold senior positions including the position held in each decade.

Request 2

I request the information held of the security assessment made by the RUC and PSNI on the Provisional Irish Republican Army (PIRA). What was relationship between Belfast and rest of PIRA?

Request 3

I request the information held of the security assessment made by the RUC and PSNI on the Provisional Irish Republican Army (PIRA).

Did PIRA Brigade Commanders have autonomy to carry out own actions?

Request 4

I request the information held of the security assessment made by the RUC and PSNI on the Provisional Irish Republican Army (PIRA).

Was the Provisional Army Council (PAC) in existence from 1970 through to 2005 and who is assessed to have held positions on PAC and what time frame?

Request 5

I request the information held of the security assessment made by the RUC and PSNI on the Provisional Irish Republican Army (PIRA) whether Belfast PIRA was one Brigade or was it split into several brigades in Belfast and what those Brigades were ie: NSEW?

Answer

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

It is estimated that the cost of complying with your request for information would exceed the "appropriate costs limit" under Section 12(1) of the Freedom of Information Act 2000. Section 12 of FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to either comply with the request in its entirety or confirm or deny whether the requested information is held. The estimate must be reasonable in the circumstances of the case. The 'appropriate limit' is currently £600 for central government and £450 for all other public authorities including PSNI. The relevant Regulations which define the appropriate limit for section 12 purposes are The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 SI 2004 No 3244. These are known as the 'Fees Regulations' for brevity.

Regulation 4(3) of the Fees Regulations states that a public authority can take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- (i) determining whether the information is held;
- (ii) locating the information, or a document containing it;
- (iii) retrieving the information, or a document containing it; and
- (iv) extracting the information from a document containing it.

Under those regulations PSNI can calculate the time spent on each of these permitted activities at £25 per hour (thus if the activity(s) takes more than 18 hours PSNI will be in excess of the 'appropriate limit').

For your request to identify if information is or is not held would require a manual review of electronic/hard copy records going back 50 years. The manual review will be of a substantial amount of records easily taking over 18 hours to determine if information is or is not held.

Under Section 12 of the Freedom of Information Act 2000, if a public authority estimates that it would exceed the appropriate limit to confirm whether or not the requested information is held, under Section 12 (2) of the Act, it does not have to deal with the substance of the request.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

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 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 disclosure to the world in general.

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 this 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.