



FREEDOM OF INFORMATION REQUEST



Request Number: F-2021-00997

Keyword: Operational Policing

Subject: Extradition Statistics since 2011

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 some information to which your request relates and this is being provided to you. We further consider some information you seek for Request 1, Request 2 and Request 3 is exempt by virtue of Sections 27, 31 and 40 of FOIA and have detailed our rationale as to why these exemptions apply. In relation to Request 2, PSNI are issuing a Neither Confirm nor Deny (NCND) response and will explain this further 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.

Request 1

- a) Number of non-EU extradition requests made by Northern Ireland to foreign countries since 2011?
- b) Number of individuals actually surrendered to Northern Ireland?
- c) Number of extradition requests currently not yet executed?

For Q1 and Q2, please sort all of the data by calendar year, country and offence.

Answer

- a) 9
- b) 3
- c) 6

Countries – Australia, New Zealand, Norway, Turkey and United States of America.

Offences – murder, indecent images of Children, offences against the persons (varying degrees of assault), sexual offences, drugs, fraud, driving offences and child abduction.

Request 2

- a) Number of non-EU extradition requests received by Northern Ireland from foreign countries since 2011?

b) Number of individuals actually surrendered by Northern Ireland?

c) Number of extradition requests currently not yet executed?

For Q1 and Q2, please sort all of the data by calendar year, country and offence.

Answer

a) 7

b) 1

c) 3

Countries – Australia, New Zealand, Norway, Turkey and United States of America.

Offences – indecent images of children, drugs, fraud, robbery, sexual offences and murder.

Please note: The above data has been provided in an uncorrelated format and without the calendar year, to minimize the risk of any identification of an individual and / or the prejudice of specific investigations. A full explanation of the exemptions applied is contained within our response to request three.

Partial NCND

In addition to the response provided for Request 2, and in accordance with the FOIA, PSNI can neither confirm nor deny that it holds any other information relevant to this request.

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 exemption:

Section 23(5) - Information supplied by, or concerning, certain Security Bodies.

Section 23(5) is an absolute exemption and there is no requirement to consider the public interest in this case.

Section 23(5) Information Supplied By, Or Concerning, Certain Security Bodies - the duty to confirm or deny does not arise if, or to the extent that, compliance with Section 1(1) (a) would involve the disclosure of any information (whether or not already recorded) which was directly or indirectly supplied to the public authority by, or relates to, any of the bodies specified in subsection (3).

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 FOIA allows a public authority to respond by refusing to confirm or deny 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

The Police in its fight against crime may engage at times with the bodies listed at Section 23 of the FOIA, and on occasions there may be information provided to Police from one of these bodies. As advised above the decision to issue a NCND 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 NCND response is used to avoid risks caused by providing inconsistent responses to a series of similar requests where the information may originate from a number of sources and not necessarily a security body.

Any release under FOIA is considered a disclosure to the world, not just to the individual making the request. Police forces work in conjunction with other agencies and on a daily basis information is freely shared in line with information sharing protocols.

Anything that places that confidence at risk, no matter how generic, would undermine any trust or confidence individuals have in the PSNI. It is our opinion that for these reasons the balance favours neither confirming nor denying if the requested information is held.

However, this should not be taken as conclusive evidence that the information you requested does or does not exist.

Request 3

- a) Number of Interpol diffusions and notices of all colours issued by Northern Ireland since 2011?
- b) Number of outstanding Interpol alerts?

For Q3 please sort all of the data by calendar year and the 'colour' of the alert. Where possible please also include data on country / offence.

Answer

- a) The total number of Interpol diffusions and notices issued by Northern Ireland since 2011 is 97.

The colour of alerts are as follows:

Black – 5

Blue – 43

Green – 12

Red – 25

Yellow – 12

b) The total number of active Interpol alerts is 85.

Countries – Cyprus, ROI, Lithuania, China, USA, Romania, Germany, Poland, Portugal, UAE, Spain, Netherlands and Egypt.

Offences – child sexual offences, theft, assisting offenders, robbery, drugs, child abduction, sexual assault, human trafficking, assault, fraud, registered sex offenders of registered violent offenders, attempted murder, terrorism, harassment, rape, and burglary.

Please note: The data provided have been recorded for administrative purposes and not for auditing purposes. The accuracy may not be to the same standard as data gathered for auditing purposes.

The above information has been provided in an uncorrelated format and without the calendar year, to minimize the risk of any identification or the prejudice of specific investigations. The reasons for this are outlined 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 27(1) (a)(b) - Prejudice to relations between the United Kingdom and any other state and any international organisation or international court.

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

Section 40 (2)(a)(b) by virtue of 40 (3)(A)(a) Personal Information – Information constitutes personal data and disclosure would contravene any of the Data Protection principles

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.

Section 40 (1)

Section 40 is a class-based exemption, therefore it is not necessary to evidence the harm caused by disclosure or carry out a public interest test. When PSNI receives a request for information that constitutes the personal data about any individual, it must decide whether disclosure would breach Principle 1 of the Data Protection Act (DPA), i.e. whether it would be fair and lawful to disclose the information. Whether it will be fair will depend on a number of factors including the reasonable expectations of the individuals involved, the balance between any legitimate public interest in disclosure and the rights and freedoms of the individual(s) concerned.

PSNI considered the material you have requested. The release of this low level data risks the identification of individuals, when combined with information already in the public domain. The information requested relates to individuals who we believe would not have a reasonable

expectation that their personal information would be released into the public domain through FOI. We consider release of this information would be unfair to those individuals as it would not be in their reasonable expectation. PSNI therefore consider the exemption at Section 40 (2) to be engaged in relation to the requested information.

Sections 27 and 31 are prejudiced based qualified exemptions which mean the PSNI must demonstrate harm in disclosure and consider the public interest in releasing the requested information.

A summary of the Harm and Public Interest Test for Section 27 and 31 is provided below.

Harm

The release of information relating to extraditions between Northern Ireland and foreign countries is highly sensitive. Releasing specific details of years combined with countries and offences would be harmful inasmuch as it narrows down the figures per annum, providing further detail about the extraditions which could prejudice operational law enforcement and the relationship between the UK and other nations. Although there is a public interest in knowing how the police services and the UK government support other nations, there is also a requirement to protect information which may undermine the relationship which has been formed and built up.

Public Interest Test

Factors Favouring Release – Section 27

The disclosure of the information would allow the public greater knowledge and transparency over the international work undertaken by PSNI and the UK Government.

Factors Against Release – Section 27

The disclosure of information relating to other foreign countries would be damaging to bilateral relations. In order to build close working relationships that effectively help promote positive policing internationally, a disclosure of information which may undermine that process would lead to the collapse in relations which the UK Government.

Factors Favouring Release – Section 31

Release of the information would lead to better public awareness identifying that the force undertakes all avenues of investigative processes in order to tackle crime.

Factors Against Release – Section 31

Disclosure of this information could undermine the function of Police in its law enforcement role. The PSNI take their responsibility to obtain and gather firm evidence as part of their investigative process seriously, in that it is only ever obtained as per current legislative frameworks to aid the delivery of effective law enforcement. The harm to the law enforcement capability outweighs the need to disclose this information.

Decision

It is acknowledged that wherever possible policing procedures must be transparent and accountable. However, police need to make balanced judgements which justify why some information needs to remain exempt and unpublished.

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.

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Whilst there is a public interest in the transparency of policing and providing assurance that the Police Service is appropriately and effectively engaging with the threat of criminals, there is also a very strong public interest in safeguarding the law enforcement role of

the Police. Whilst the PSNI would always wish to be transparent and accountable, we have determined that the release of this information, into the public domain would not be in the public interest.

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.