

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2021-00327

Keyword: Crime

Subject: Murder Of Police Officers - Kinnego 1982

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 some information to which your request relates. We do not however hold information in relation to request numbers 1 and 2 below. We further consider the information you seek in request number 3 is exempt by virtue of section 31 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

In relation to the murder of three police officers at Kinnego near Lurgan on 27 October 1982, I would be grateful for the following information: Where was the Honda motorcycle (referred to by the Op Kenova team as having been recovered in Francis Street, Lurgan following the attack) stored after being forensically examined?

Request 2

On what date was the motorcycle disposed of?

Answer to Request 1 and 2

Enquiries made in relation to requests 1 and 2 failed to locate any records or documents relevant to your request based on the information you have provided. Accordingly, I have determined that the Police Service of Northern Ireland does not hold the information to which you seek access.

Request 3

How was the motorcycle disposed of?

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 exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 31(1)(a)(b) Law Enforcement - Information which is not exempt by virtue of Section 30 is exempt information if its disclosure under this Act would, or would be likely to prejudice (a) the prevention or 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.

Section 31 is a qualified prejudice based exemption and evidence of harm and a public interest test must be applied.

Harm

Whilst there is a public interest in the transparency of investigations carried out by PSNI to ensure they are being conducted appropriately, the Police Service also has a duty of care to all individuals involved in any investigation. Additionally PSNI must ensure that information is not disclosed that would compromise any investigation.

Factors favouring disclosure - Section 31

Release of the requested information will demonstrate transparency on behalf of the PSNI in keeping the public fully informed in relation to these and other troubles related murders.

Factors favouring non-disclosure - Section 31

To release the information requested is harmful in that it risks undermining the investigation led by Chief Constable John Boucher in relation to these murders

Decision

As stated above the murder of the three police officers in October 1982 in Kinnego is being investigated by Operation KENOVA under Chief Constable John Boucher. Consequently the PSNI will not put anything into the public domain through a FOI release any information pertaining to this crime as to do so may hinder the effective investigation of these murders by the Operation KENOVA team.

A disclosure under the Freedom of Information Act 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.

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.psnipolice.uk

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