

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: FOI-2021-00522

Keyword: Crime

Subject: County Lines Crime at Universities

Request and Answer:

In relation to Request Number F-2021-00522 Request Number 1(A-F) the Police Service of Northern Ireland is providing an NCND response and will explain this further in the response below.

Request 1 A-F

In the last three years (Jan 2018 - 2021), how many reports/ arrests have there been relating to county lines drug dealers posing as university students. Please provide a month-by-month breakdown. And where possible, can you provide:

- (a) The name of the university the arrest/alleged offence took place
- (b) Detail of the alleged offence, i.e. dealing Class A drugs in halls of residence to students
- (c) Age and gender of suspect
- (d) Whether the suspect(s) were charged
- (e) Whether or not the arrested person was a registered student at the college
- (f) What course they were enrolled on?

Answers

In accordance with the Act, this letter represents a Refusal Notice for this particular request. The Police Service of Northern Ireland can neither confirm nor deny that it holds the information you have requested. 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 exemptions:

Section 24 (2) National Security - The duty to confirm or deny does not arise if, or to the extent that, exemption from section 1(1) (a) is required for the purpose of safeguarding national security.

Section 30(3) Investigations and Proceedings conducted by Public Authorities – The duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1) or (2).

Section 31 (3) Law Enforcement - The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1 (1) (a) would or would be likely to, prejudice any of the matters mentioned in subsection (1).

Section 40(5) (a) (b) (i) Personal Information - The duty to confirm or deny does not apply if to do so 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.

'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 Act allows a public authority to respond by refusing to confirm or deny whether 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](https://ico.org.uk/media/for-organisations/documents/1166/when_to_refuse_to_confirm_or_deny_section_1_foia.pdf)

Sections 24 and 31 are qualified prejudice based exemptions and evidence of harm and a public interest test is required.

Section 30 is a qualified class based exemption and a public interest test is required.

Section 40 is a class based exemption; therefore it is not necessary to carry out a public interest test.

Section 40 - Personal Information

Section 40 is a class based exemption; therefore it is not necessary to carry out a public interest test.

(5B) The duty to confirm or deny does not arise in relation to other information if or to the extent that any of the following applies -

(a) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a)

(i) would (apart from this Act) contravene any of the data protection principles

Information disclosed under the FOIA is disclosed into the public domain, effectively to the world and not just to one individual. To confirm or deny whether personal information exists in response to your request could publicly reveal information about individuals, thereby breaching the right to protection of their personal information afforded to them under the Data Protection Act 2018 and the General Data Protection Regulation 2018. When confirming or denying that information is held would breach an individual's rights under the Data Protection Act legislation, Section 40 (5) becomes an absolute exemption, and there is no requirement to provide evidence of a prejudice occurring, or to conduct a public interest test. To confirm or deny that the PSNI hold or do not hold information would in fact confirm information about an individual including the fact it may or may not be held. This would amount to a release into the public domain of personal information about an individual. The individual would have no expectation that these details would be released into the public domain, therefore their data protection rights would be breached by release.

Individuals may try to use the FOI legislation to circumvent the law and may try to obtain information which they are not entitled to or to try and find out whether the police hold any information about them or others. To ensure this does not occur, police services use a 'neither confirm nor deny approach' and this has to be used consistently to ensure that we can protect this method of response : undermine the rationale for adopting the NCND response in the first place. The Police Service will never divulge whether or not information does or does not exist, if to do so would undermine the effective investigation of offences by the Police Service or breach data protection legislation

Harm

Although every effort should be made to release information under the Freedom of Information Act, to confirm or deny whether information is or isn't held stating that a nominal involved in county lines operations attends university, together with the name of the university the nominal(s) is currently studying at, their age, gender, and actual course they are enrolled on could not only identify that individual but also undermine ongoing investigations, to the detriment of the National Security of the United Kingdom.

Whilst there is a public interest in the transparency of policing, providing assurance that the Police Service is appropriately and effectively engaging with the threat from criminals, this should be countered against the need to protect vulnerable areas, and ongoing Policing operational activity. The security of the country is of paramount importance and the PSNI will not divulge whether information is or is not held, if to do so would undermine national security. Whilst there is a public interest in the transparency of policing operations and providing reassurance that the Police Service is appropriately and effectively engaging with the threat posed by offenders involved in county lines activity, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in the highly sensitive areas of which they work. Confirming or denying whether any information is held would show where policing interest has or has not occurred in any specific university which would enable those engaged in criminal activity to identify the focus of policing targets and identify vulnerable parts of the UK.

In addition, and irrespective of what information may or may not be held, to confirm information is held by citing a substantive exemption, or conversely, stating 'no information held', would undermine the effective delivery of operational law enforcement by compromising potentially ongoing investigations, some of which may be covert.

Public Interest Test

Factors favouring confirmation or denial - Section 24

Confirmation or denial that any information exists would lead to a better informed public and would enable the community to hold the PSNI to account in relation to how they gather intelligence when referring to individuals involved in county lines operations.

Factors against confirmation or denial - Section 24

Other organisations outside the Police Service may, or may not, have an active interest in the subject. By confirming or denying that any information exists relevant to nominals studying at universities, and which actual university they attend, would harm the close relationship that exists between the PSNI and other organisations, i.e. Education Departments, Universities and other local authorities.

To confirm or deny whether the force hold any information would allow inferences to be made about the nature and extent of national security related activities which may or may not take place in a given area. This would enable criminal groups to take steps to counter intelligence, and as such, confirmation or denial would be damaging to National Security.

By confirming or denying any policing arrangements of this nature would render national security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infrastructure of the UK and increase the risk of harm to the public.

Factors favouring confirmation or denial – Section 30

Confirming or denying that information exists would lead to a better informed general public improving their knowledge and understanding as to how the PSNI collate and store intelligence to assist with investigations.

Factors favouring neither confirming or denying – Section 30

Modern-day policing is intelligence led and the PSNI where appropriate gathers information to assist with the investigatory process. To confirm or not whether information is or isn't held this case could hinder the prevention and detection of crime as well as undermine the partnership approach to investigations and law enforcement.

Factors favouring confirmation or denial – Section 31

Confirming or denying whether any information is held would allow the public to see where public funds have been spent and allow the Police Service to appear more open and transparent.

Factors favouring neither confirming or denying – Section 31

To confirm or deny that the PSNI holds information could compromise law enforcement tactics which would lead to a hindrance on the Police Force's ability to prevent and detect crimes. Vulnerable areas could be identified by force level disclosure leading to more criminal activity placing the public in harm's way. If information is released confirming or denying that nominals are studying at university and which named university they attend may impact police resources as vulnerable forces may need to increase their resources to reassure the public and protect the surrounding community.

Decision

The points above highlight the merits of confirming, or denying, whether any information pertinent to this request exists. The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve and will never divulge information which could pinpoint where an individual involved in county lines operations is studying.

Whilst there is a public interest in the transparency of policing operations and investigations, as well as providing reassurance that the Police Service is appropriately and effectively engaging with the threat from criminals, there is also a public interest in safeguarding individuals involved in this type of offending which often involves vulnerable individuals. As much as there is a public interest in knowing that policing activity is appropriate and balanced, it will only be overridden in exceptional circumstances.

Therefore, at this moment in time, it is our opinion that for these issues the decision for neither confirming nor denying that information is or isn't held, is not made out.

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 Freedom of Information Team, 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 Freedom of Information, 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.