

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2021-01407

Keyword: Operational Policing

Subject: Visit by Charles, Prince of Wales to Northern Ireland in May 2021

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 information to which your request relates. The decision has been taken not to supply the information you have requested and the reasons for this are set out in more detail 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

Please would you tell me the total cost to the police in dealing with the visit by Charles, Prince of Wales to Northern Ireland in May 2021, with a breakdown if possible?

Request 2

Please also provide copies of any health & safety risk assessments carried out in relation to the visit, and a list of names (if not exempt) and job titles of those individuals who dealt with any aspect of the visit.

Answer

PSNI is withholding all of the information you have requested and the rationale for this is explained under.

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 24 (1) National Security: Information which does not fall with section 23(1) is exempt information if exemption from section 1(1)(b) is required for the purposes of safeguarding national security.

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.

Section 38(1)(a)(b) Health And Safety: Information is exempt information if its disclosure under this Act would, or would be likely to: (a) endanger the physical or mental health of any individual, or (b) endanger the safety of any individual.

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 24 is a qualified prejudice based exemption and evidence of harm and a public interest test is required.

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

Section 38 is a qualified prejudice based exemption and evidence of harm together with a public interest test must be made.

Section 40 (2) of the FOIA is an absolute exemption which means there is no requirement on the PSNI to consider whether there is a public interest in disclosure. It is an interface exemption and we must consider whether release of the information would breach the General Data Protection Regulations ('GDPR') or the Data Protection Act 2018 ('DPA') Third party personal information in relation to names, and therefore this information constitutes information which can identify individuals is 'personal data' under the GDPR (Article 4) and DPA (Part 1 s.3).

Under the Freedom of Information Act, PSNI must consider if information can be released into the public domain. I have therefore considered whether the disclosure of this personal data is subject to the exemption at Section 40(2) of the Freedom of Information Act 2000 by virtue of s40 (3)(A)(a). As this information is 'personal data', PSNI considered whether disclosure would contravene any of the six data protection principles contained within the GDPR or DPA.

The six data protection principles are good information handling standards which PSNI must comply with in relation to how it handles personal information, including deciding whether to disclose it or not. In particular, the first principle requires personal data to be processed 'lawfully and fair'. In considering whether it is 'fair' to any individual to release information about them, PSNI considered the likely expectations of those individuals and the nature of the information involved. Individuals must have confidence that their information is treated sensitively and appropriately by PSNI. We consider those individuals would not have any reasonable expectation PSNI would disclose such information of this nature about them. We consider it would be extremely unfair to those individuals and therefore a breach of the first principle of data protection legislation. This information is therefore exempt under section 40 (2) of the FOIA as it contravenes data protection legislation to release it and the PSNI has made the decision to withhold that information.

Harm Test for Section 24, 31 and 38

The release of information requested by the applicant would result in harm to the national security of the United Kingdom. Releasing costs and health and safety risk assessments associated with the protection of any members of the Royal Family would provide those intent on committing acts of terrorism with valuable information as to the level of resistance they might expect to counter when

undertaking such an act. Someone could reasonably infer comparable protection levels with other public figures whose receipt of protection is a matter of public record, namely the Prime Minister and the Queen. Disclosing the information sought would also give valuable tactical information to those who seek to harm such figures.

The release of information which might assist a potential terrorist in planning an attack on a Member of the Royal Family, including the possibility of identifying protection surrounding the Head of State, her Heirs and the Prime Minister, would threaten the prime institution of the United Kingdom's constitutional arrangements, and thus the nation's security.

Release of this information would prejudice the prevention and detection of crime. Therefore the higher, definite, limb of section 31 is being relied upon. Disclosing the cost for providing security to any named Members of the Royal Family; together with associated health and safety risk assessments, would have the effect of disclosing the level of policing and/or security resources that are assigned to these specific people. This would compromise personal safety arrangements, as it would enable those wishing to circumvent those arrangements to form an assessment of the level of protection provided.

The release of information will also reveal policing tactics regarding these key figures of the Royal Family, and would be used to form part of a wider assessment of levels of protection afforded to others not subject to this request, including public figures of equivalent status who are not part of the Royal Family. The release of this information would be to the detriment of another public figure of equivalent status who may not be in receipt of similar levels of protection.

Furthermore, there is evidence that those planning terrorist attacks have made use of a wide range of sources when gathering information on their targets, including press reports, which were combined with physical reconnaissance to build a picture of an individual's protection level. To reveal information showing levels of protection to those intent in causing harm would increase the risk of harm to those individuals.

It follows that any heightened risk to individuals in receipt of protective security arrangements represents a similar risk to a member of any organisation (e.g. the police) providing that protection.

Any physical attack on any person, regardless of whether they are a Member of the Royal Family or not, is a crime and therefore where release would harm their safety (or that of any other person) section 31(1)(a) is engaged.

The release of the information requested would endanger the physical health of individuals concerned. If PSNI was to provide overall costs of providing security together with associated health and safety risk assessments to these named Royal figures it would compromise personal safety arrangements for these specific individuals. There is also the possibility of a mosaic effect being established whereby disclosed information could be matched with unofficial information to form comparisons with other Royal and public figures that may or may not be in receipt of protective security arrangements.

The release of information will also reveal policing tactics regarding these key figures of the Royal Family, and could be used to form part of a wider assessment of levels of protection afforded to others not subject to this request. The release of this information would therefore be to the detriment of another who may not be in receipt of similar levels of protection.

To reveal information which exposes levels of protection to those intent on causing harm would increase the risk of harm to those individuals and to others who may be caught up in an attack, such as Royal Family staff and members of the public.

Public Interest Test

Factors Favouring Disclosure – Section 24

Where information relates to how the PSNI fulfils its roles and functions there is an interest in disclosure. In this case, publication of the overall cost of providing protection would hold PSNI to account for the level of protection afforded to the named members of the Royal Family. It would also

encourage more informed debate about national security issues.

Where public funds are being spent, there is a public interest in disclosure. In this case, the extent to which public funds are being disbursed to protect these Members of the Royal Family would serve to demonstrate how public money is being spent by the Home Office. It would also serve an important public interest in demonstrating accountability and furthering public understanding in relation to the costs incurred in providing protection for the Monarchy.

Factors Favouring Non-Disclosure – Section 24

Any disclosure of information that would allow extremists to gauge the level of protection afforded to these named Members of the Royal Family – or, by inference, individuals of similar status, such as the Prime Minister – would provide anyone intent on committing acts of terrorism with vital intelligence as to the level of police resistance that they may encounter. This would hinder the ability of law enforcement bodies to protect these individuals, and would clearly not be in the public interest.

If PSNI were to release the costs of protection and associated health and safety risk assessments for any Member of the Royal Family those intent on committing acts of terrorism would be able to deduce the level of protection afforded to each individual. One might also be able to work out if there are likely to be occasions when that individual is subject to lower levels of protection and thus in a position of increased vulnerability.

There is also a strong likelihood that release of these figures would reveal which individuals law enforcement authorities believe to be most at risk of terrorist attack. Such a conclusion would be likely to allow terrorists to deduce which Members of the Royal Family the police know to be of increased risk. The ability to identify any types of intelligence that law enforcement authorities might rely on would clearly not be in the wider public interest.

All UK police forces have a duty to fulfil their national security functions. The disclosure of this information would increase the risk to the safety of the Royal Family. The personal safety of senior Members of the Royal Family is inextricably linked to national security and any attacks on these individuals would be an attack on the sovereignty of the United Kingdom and its constitutional arrangements.

Factors Favouring Disclosure – Section 31

Where information relates to how the Home Office and law enforcement bodies fulfil their roles and functions there is an interest in disclosure to encourage openness and transparency. In this case, publication of the overall costs of providing protection; together with associated health and safety risk assessments for these named Members of the Royal Family would hold the Home Office and law enforcement bodies to account for the level of protection afforded to these Member of the Royal Family and show that deployment of officers is appropriate and proportionate. It would also demonstrate in more detail the costs incurred in providing protection for the Monarchy.

Where public funds are being spent, there is a public interest in disclosure. In this case, the extent to which public funds are being disbursed to protect those named in the FOI request would serve to demonstrate how public money is being spent by the Home Office and law enforcement bodies in relation to the provision of protection for the Monarchy.

Factors Favouring Non-disclosure – Section 31

Any disclosure of information that would allow extremists to gauge the level of protection afforded to these named Members of the Royal Family would provide anyone intent on committing acts of terrorism with vital intelligence as to the level of police and or security resistance that they may encounter. This would hinder the ability of the law enforcement bodies to perform their public protection role and would clearly not be in the public interest.

All UK police forces have a duty to protect the safety of any individual. Any disclosure of information that would increase the likelihood of terrorism or any other criminal act targeting those named in the

FOI request would increase the risk to the public, as well as members of the law enforcement bodies and the Royal Family. There is no public interest in disclosing information that would increase the risk to public safety.

Factors Favouring Disclosure – Section 38

The release of such information would provide an insight into the Home Office and Police Service and enable the public to have better understanding of the effectiveness of the police. The release of information could allow the public to make informed decisions about police and protection procedures and the money spent in this business area. This would greatly assist in the quality and accuracy of public debate, which is otherwise likely to be based on speculation and conjecture.

Members of the Royal Family are high profile figures, some of whom are publicly funded and receive protection drawn from public accounts. The release of this information would demonstrate how much public funding is specifically allocated to the protection of individuals. Consequently, there could be questions as to why certain individuals are in receipt of protection, along with interest in costs and value for money

Factors Favouring Non-Disclosure – Section 38

By disclosing the overall cost for security of the named Members of the Royal Family there is the strong possibility that if costs varied between the individuals then this would increase the risk of targeting one of them. This possibility is further exasperated if associated health and safety risk assessments in relation to any member of the Royal Family were to be released

Revealing this information would also increase the risk to personal protection staff as collateral damage in the event of an attack on the named Members of the Royal Family. The majority of the public would not wish to place those public officials in a more hazardous position by publishing information that would enable harm to be brought to the recipients of protection. The threat to safety is not just to the recipient of protection but also to others attending events, public meetings or those near to a person receiving protection. Any attempt to threaten the life of one of these individuals would also threaten the health and safety of those in the vicinity.

All people are entitled to live and work without a threat of violence directed against them. It is not in the public interest for unprotected members of the public to be placed in position of vulnerability by disclosing names of principals in receipt of police protection.

Balancing Test

When considering the disclosure of the overall cost of protecting these named members of the Royal Family, we have to weigh the public interest in holding the PSNI to account for its actions in the area of Royal protection and the disbursement of public funds, and the public interest in the costs incurred in providing protection for the Monarchy, against the public interest in safeguarding the ability of PSNI to fulfil its national security duties and preventing an increased risk to the safety of the Royal Family, in particular The Queen and her immediate family – which would undermine national security.

The issue therefore is whether the public interest in knowing how much public money is spent is outweighed by the public interest in maintaining the ability of the PSNI to safeguard national security.

The threat from terrorism, together with threats from other quarters and the attractiveness of the individuals concerned as potential targets, necessitates a stance of caution when considering whether information relating to the levels of protection should be made available. While it is accepted that the public should have a right to know how public money is being spent, the public also expect the Home Office and Police Service to provide protection from the threat of extremists who would seek to undermine national security by targeting the constitutional establishments of the United Kingdom.

In this case, the value of the information in terms of allowing individuals to assess the level of protection afforded to these Members of the Royal Family, by release of associated health and safety

risk assessments would lead to a mosaic effect being created whereby other information disclosed would lead to comparisons of the levels of protection afforded to other Members of the Royal Family. Such comparisons would also be carried across to other public figures of equivalent status who might be expected to receive protection. It is against the public interest to publish information that would provide intelligence to extremist's intent on committing criminal acts aimed at targeting the Royal Family, persons living or working in those Royal residences or other public figures in receipt of protection.

After weighing up the competing interests PSNI can confirm that the disclosure of the above information would not be in the public interest. The PSNI considers that the benefit that would result from the information being disclosed does not outweigh the harm arising from disclosing information relating to the overall cost of providing protection to these Members of the Royal Family.

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 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.

