



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-01884

Keyword: Organisational Information Police Vehicles

Subject: BMW Police Vehicles

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 that some information you seek in request number 1 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

Please could you provide a list of BMW Police marked vehicles operated by your force? If possible, could I have details of any unmarked BMW vehicles operated by your force, if it assists I appreciate unmarked vehicle details may be deemed as sensitive and would be willing to accept simple details such as model without the need for details such as vehicle registration mark or colour or other identifying details.

Answer

Whilst PSNI is providing you with a list of marked BMW police vehicles we are withholding the complete Vehicle Registration Number (VRN) of these vehicles and in addition we are withholding all details of any unmarked BMW vehicles that PSNI may hold. The rationale for this is outlined 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 31 (1) Law Enforcement – Information which is not exempt information by virtue of Section 30 is exempt information if its disclosure under this Act would, or would 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 Law Enforcement is a qualified, and prejudice based exemption. Therefore, the harm should be articulated, and arguments given as to the public interest test.

Harm

Disclosure of full information on fleet, such as full VRNs, could be of intelligence value to a person or persons with criminal or malicious intent. Full disclosure could provide and enable targeted malicious actions, be that some form of attack on an operational unit, or avoiding that unit for example where strengths and weakness may be perceived (whether incorrectly or not).

Although VRNs are an overtly displayed marker that can be clearly seen and are intended to be seen, to disclose a ready-collated list of vehicles with complete vehicle registration numbers would be substantially more harmful than the limited availability of related information via the visibility of vehicles whilst on public roads. In practice, all of this information is not realistically accessible to a member of the public and is therefore not in the public domain.

Providing full lists of VRNs for marked vehicles provides opportunities for criminality to benefit, or for risks to be extended to members of the public:

- Marked police vehicles are often exempt toll and congestion charges, facilitated by automatic recognition of VRN; cloned vehicles would avoid these charges.
- Decommissioned police vehicles are sold at public auction and will re-appear in domestic use, usually driven by members of the public. Lists of VRNs accessible by criminals, such as Organised Crime Gangs (even if out of date), may potentially expose unaware members of public to direct challenge and/or risk of harm.
- Detailed VRN listings will potentially enable a criminal gang to understand the force's capability, through the volumes and types of vehicles being operated; for example numbers of ARV & RPU (Armed Response / Traffic), comparative to other models.
- The recent high profile case of Sarah Everards murder, and the fact that the perpetrator was in a police car when he committed the crime cannot be ignored. Although this was not a cloned vehicle, the suggestion that a cloned vehicle could also be used in such a crime, and would provide a level of credibility to the driver, is clearly demonstrated.

Additionally, law enforcement tactics and operational capability would be compromised with the disclosure of VRN details requested such as that relating to unmarked cars, as those who wish to commit criminal acts will be more aware of what vehicles may belong to the force in a covert role, that assist with preventing and detecting crime.

Such a disclosure would allow those with criminal intent the ability to build up a mosaic picture of force capabilities and resources and use this information to undermine law enforcement. This places the community at increased unnecessary risk of harm and impacts on police resources if additional resources and tactics need to be put in place to counter any harm caused by an adverse FOIA disclosure.

Public Interest Test

Factors favouring disclosure Section 31

There is a legitimate public interest in the public being satisfied that the police force has up to date and well maintained vehicles to deliver services to the public when and where required.

Factors favouring non-disclosure Section 31

The Police Service has a duty to deliver effective law enforcement ensuring that the prevention and detection of crime, apprehension or prosecution of offenders and administration of justice is carried

out appropriately.

Disclosing information that would allow the identification of all vehicles may reveal what resources are available for a given role and this information could enable police strength to be determined and circumvented by those intent on committing crime. The release of this information could therefore provide a tactical advantage to offenders which would negatively impact on public safety and undermine the policing purpose.

Disclosing the details of covert vehicles would provide sufficient information to those involved in criminal activity of the capabilities available to the force when carrying out covert activities in certain areas. This could result in them taking steps to evade detection and to destroy evidence if they believe that their movements are being monitored. This could also lead to vehicles and officers being identified which would render their covert capabilities useless.

Balance Test

It is not in the public interest for law enforcement tactics and operational capability to be compromised with the disclosure of Fleet VRNs, as those who wish to commit criminal acts will be more aware of the vehicles in operation to assist with preventing and detecting crime.

Such a disclosure that would allow those with criminal intent the ability to build up a mosaic picture of force capabilities and resources which could be used to undermine law enforcement. This would not be in the public interest.

Disclosure is also not in the public interest as it places the community at increased unnecessary risk of harm and impacts on police resources. This is especially the case if additional tactics/resources need to be put in place to counter harm caused by an adverse FOIA request regarding police vehicles.

Please see a list of marked PSNI BMW vehicles below:

VRM	Model Class	Vehicle Type	Colour
NGZXXXX	BMW MODELS	CAR L ESTATE	BLACK
NGZXXXX	BMW 1 SERIES	CAR M HBACK	5 DOOR BLACK
NGZXXXX	BMW MODELS	CAR L ESTATE	BLACK
KGZXXXX	BMW MODELS	CAR L ESTATE	BLACK
IGZXXXX	BMW MODELS	CAR L ESTATE	WHITE
NGZXXXX	BMW MODELS	CAR L ESTATE	BLACK
NGZXXXX	BMW 1 SERIES	CAR M HBACK	5 DOOR BLACK
IGZXXXX	BMW MODELS	CAR L ESTATE	WHITE
IGZXXXX	BMW MODELS	CAR L ESTATE	WHITE

Request 2

Has the force experienced any issues with BMW vehicles operated by the force catching fire or similar related safety issues resulting in vehicles having to be used in other duties to mitigate the risk of fire or other safety concerns?

Answer

No

Request 3

If so are there any documents or policies or correspondence related to BMW vehicles catching fire or similar safety issues?

Answer

Yes

Request 4

Has your force introduced any policies on the disposal or sale of Police BMW vehicles such as disabling engine components or similar instructions before disposal by auction or sale?

Answer

No

Request 5

Please could you provide details of the sale or disposal of BMW vehicles by your force? where they are sold or disposed of and how much each vehicle was sold for and where and when?

Clarification sought

Please provide a time frame for this request?

Clarification received

Please could you provide information in respect of the last 12 months.

Answer

No

Request 6

Has your force had any correspondence by email with BMW over issues of fire and safety of Police BMW vehicles during 2021/22?

Answer

No

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.psnipolice.uk

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

