



FREEDOM OF INFORMATION REQUEST



Request Number: FOI-2022-02039

Keyword: Organisational Information Police/Staff Training

Subject: Search Accreditation

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 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 advise how many officers the PSNI currently has holding search training accreditation that allows them to carry out counter-terrorism searches?

Request 2

How many officers does the PSNI have currently who are nationally qualified to carry out this search, nationally qualified meaning holding certification/licence as certified by the college of policing?

Request 3

How many of the aforementioned hold this certification be virtue of being POLSA and having attended the Police National Search Centre to obtain POLSA certification?

Answers

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 required for the purpose of safeguarding national security.

Section 31(1)(a)(b) - Law Enforcement – Information 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 24 and 31 are prejudice based qualified exemptions which means that the legislators have identified that the harm (prejudice) in disclosure as well as the public interest considerations need to be evidenced and articulated to the applicant.

Harm

Counter terrorism searches are searches where there is good reason to believe that there is a real threat of terrorist activity. Disclosure of requested information could aid terrorist elements seeking to evade police or carry out attacks and could compromise the law enforcement role of police at a tactical level, hindering the prevention or detection of crime. The Police Service is currently under 'substantial' threat from terrorist organisations and exploitation or undermining policing in respect of Counter Terrorism matters, would potentially be detrimental to the safety of the general public and PSNI personnel, therefore have clear impact on the national security of the country.

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 whom or how the information is shared with other individuals.

Public Interest Test

Factors Favouring Release – Section 24

The threat from national and international terrorism is ever present and the public are entitled to know how the police operate. It would provide transparency and assurance that national security investigations are carried out effectively. Moreover members of public are entitled to know how public funds are spent and disclosure would lead not only to a better informed public, but could also enable public debate about potential reforms in the current financial climate of budget cuts.

Factors Favouring Retention – Section 24

Disclosure of this information cannot be deemed as being in the public interest if it would compromise any ongoing or future operations and the security in Northern Ireland. PSNI faces many challenges in the protection of national security against terrorism and organised crime and security measures would be rendered less effective and the risk of harm to the public would be increased. Crucial to safeguarding national security in Northern Ireland is the ability to share information and intelligence. If such information was put into the public domain it could undermine work in this very important area and has the real potential to adversely impact upon national security.

Factors Favouring Release - Section 31

There is a public interest in making information available which would provide an insight into the PSNI as all police investigations will involve the use of public funds and disclosure may reassure the public that the PSNI are appropriately using resources to prevent and detect crime and apprehend those responsible.

Factors Favouring Retention - Section 31

Disclosing information could assist criminal elements, compromise law enforcement tactics and hinder the prevention and detection of crime, impacting on police resources. There is a public interest in preserving this evidential material so that the functions of any future reviews are not compromised.

Decision

PSNI acknowledge 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. Whilst there is a public interest in the transparency of the law enforcement role of the police by providing assurance that the PSNI is appropriately trained,

prepared and effectively dealing with crime, the police service also has a greater duty of care to all members of Public and PSNI officers.

Counter terrorism searches are high risk searches in response to intelligence investigation, such as that which would indicate the presence of for example: an explosive device. They are not to be confused with a situation whereby unexploded ordnance, or other suspect device is located and dealt with as an actual incident. The security assessment for terrorism in Northern Ireland at this time is rated as 'substantial'. Therefore placing information into the public domain about police tactics could adversely impact on national security and could compromise law enforcement activity.

Although there is a public interest in the transparency of this investigations, there is also a requirement to safeguard the integrity of police within the investigation. In this particular case PSNI consider the public interest in maintaining the exemption is stronger than the public interest in releasing the information owing to any current and future investigations and activities that may arise from them.

Jeopardising law enforcement may effect loss of public trust resulting in the lessening of public assistance, which would hamper the prevention and detection of crimes and adversely affect the course of justice. In time it could also lead to a reduction in the public's confidence in the criminal process in general.

Whilst there is always a possibility of public/media criticism which could affect community confidence as a result of all the points discussed above, the PSNI would always wish to be transparent and accountable, I have determined that the release of this information in regards to PSNI counter terrorism capability, 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 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.psni.police.uk

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