



FREEDOM OF INFORMATION REQUEST



Request Number: FOI-2022-02228

Keyword: Policing Themes, Operations and Investigations PSNI Correspondence and Reports

Subject: Press Office Requests

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, subject to minor redactions of details of personal information of individuals and direct contact details. We have detailed our rationale for the small number of redactions below in line with requirements under the FOIA as well highlighting that guidance issued by the Information Commissioner's Office which we have followed in responding to your requests.

This is a resubmitted request following from your previous request (our reference FOI-2022-02180)

Request

PSNI Policy on when Press Officers should deem Press Requests to be submitted as Freedom of Information requests.

Answer

Please find attached copy of Service Instruction SI0218 Media. Please note, Section 6 of the attached document on page 21 refers to media staff referring media representatives to the freedom of information team.

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)

As a release under the FOI is into the public domain and PSNI must consider what can be disclosed to the public at large PSNI have applied this exemption to redact direct contact email addresses from the material being provided to individuals in these particular circumstances as contact points for them

in this matter. PSNI considers disclosures of direct contacts into the public domain which sit outside published contact points could compromise the PSNI's law enforcement abilities by creating the possibility that the public would not use the appropriate contact channels which are staffed 24 hours a day. These are resourced to meet service delivery requirements including where police need to respond to an emergency situation; Alternative contact points could become bombarded or used by those intent on hampering police law enforcement activities by overloading these communication systems or hindering the tasking of a police response. The Information Commissioner's Office guidance states that 'section 31 (1) (a) states '*prevention or detection of crime, can protect information on a public authority's systems which would make it more vulnerable to crime*'. This guidance can be accessed at the following link:

<https://ico.org.uk/media/for-organisations/documents/1207/law-enforcement-foi-section-31.pdf>

PSNI considered the following public interest factors:

Factors favouring release – Section 31

PSNI considered there was a public interest in release of information could provide the public with increased access to PSNI resources.

Factors favouring retention – Section 31

As a release under the FOI is into the public domain and PSNI must consider what can be disclosed to the public at large PSNI have applied this exemption to redact direct contact email addresses from the material being provided. PSNI considers disclosures of direct contacts into the public domain which sit outside published contact points could compromise the PSNI's law enforcement abilities by creating the possibility that the public would not use the appropriate contact channels which are staffed 24 hours a day. These are resourced to meet service delivery requirements including where police need to respond to an emergency situation; Alternative contact points could become bombarded or used by those intent on hampering police law enforcement activities by overloading these communication systems or hindering the tasking of a police response. The Information Commissioner's Office guidance states that 'section 31 (1) (a) states '*prevention or detection of crime, can protect information on a public authority's systems which would make it more vulnerable to crime*'. This guidance can be accessed at the following link:

In this case PSNI considers the public interest favours upholding the exemption and has therefore withheld this information.

Section 40 – Personal Information

PSNI has also withheld the detail of those individuals who can be identified in this information who would not have a reasonable expectation information about them would be released by PSNI into the public domain.

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'). There is information within the information you seek which can identify individuals including members of staff. This information is 'personal data' under the GDPR (Article 4) and DPA (Part 1 s.3)

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 in a lawful and fair

manner'. 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 and considered those individuals would not have any reasonable expectation PSNI would disclose such information. PSNI consider releasing this information could breach the first data protection principle as it would not be 'fair' to individuals being out-with their reasonable expectations. This information is therefore exempt under Section 40 (2) of the FOIA as it contravenes data protection legislation to release it.

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.