

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2021-02781

Keyword: Operational Policing

Subject: PSNI Patrols

Request and Answer:

In relation to request no F-2021-02781 Police Service of Northern Ireland is providing an NCND response and will explain this further in the response below.

Request

The PSNI patrol 'named location' daily both day and night which most residents feel intimidated with the police presence

Residents are not objecting to these patrols but the question that they require is what purpose are these patrols for and even though they are constantly in the estate the drug dealers are able to deal even with the police presence and never approached would this be because the main supplier of these illegal substances is an agent of the state provocateur which is the opinion of the whole village not just the estate

Out of 19 different estates in the village of 'named location' is the only estate that receives these daily and nightly patrols which on the whole make residents feel intimidated and does not set a great example for the identity of this estate and decent residents have felt the need to terminate their tenancy and source alternative accommodation out of 'named location'.

Would it be possible to supply information as to why these constant patrols are required in this area of 'named location' and not in any of the surrounding estates

We all know everyone would require police help at some stage in life but with no crimes other than domestic incidents with alcohol on board and the drugs being dealt from the one address in the estate even when a police patrol is present what is the purpose of these patrols

Answer

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 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).

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

Section 31 is a prejudice-based, qualified exemptions which means the public authority must demonstrate the harm in confirming or denying that the information exists and carry out a Public Interest Test.

Harm for NCND

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.

To confirm or deny that this information is held may endanger the safety of residents living in this area.

Public Interest Test

Factors Favouring Confirmation or Denial - Section 31(3)

Confirming or denying whether any information is held would provide an insight into the police service. This would enable the public to have a better understanding of the effectiveness of the police. It would greatly assist in the quality and accuracy of public debate, which could otherwise be steeped in rumour and speculation. Where public funds are being spent, there is a public interest in accountability and justifying the use of public money.

Factors Against Confirmation or Denial - Section 31(3)

By confirming or denying whether information is held could compromise law enforcement tactics which would hinder the prevention and detection of crime and impact on police resources which may need to be increased to reassure the public and protect the surrounding community. This would result in more risk to the public and consequently require the use of more police resources.

Decision

The PSNI is charged with enforcing the law, preventing and detecting crime and protecting the community we serve. The security of the province is of paramount importance and PSNI will not divulge whether information is or is not held and whilst there is a public interest in the transparency of policing and providing assurance that the police service is appropriately and effectively. The requirement to ensure that current and future law enforcement of the PSNI is not compromised and the information is of paramount importance, on this or on other instances when this type of information is requested, must take precedence over accountability of the Service and accountability for public funds. Therefore the only way of reducing risk is to be cautious with what is placed into the public domain.

The PSNI will not divulge whether any information is or is not held if to do so could undermine or compromise its law enforcement role and any disclosure by PSNI, no matter how generic, would undermine any trust or confidence individuals have in us, therefore, at this moment in time it is our opinion that the decision favours neither confirming nor denying that information is held.

However, this should not be taken as conclusive evidence that the information you requested exists or does not exist.

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.