



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2022-02557

**Keyword:** Policing Themes, Operations and Investigations Events and Public Order

**Subject:** Black Preceptory Parade, Portrush

### 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

I wish to know the name of the police person in charge of Ops Planning for the Black Preceptory parade in Portrush and;

### Request 2

The name of the person in charge on the day of Black Preceptory parade in Portrush 27th August 2022.

### Request 3

I wish to know how many officers were deployed for Portrush alone, from 11.30 to 1pm on 27th August 2022.

### Answer

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 40(2)(a)(b) by virtue of Section 40(3)(A)(a) – Personal Information** - Information constitutes personal data and disclosure would contravene any of the Data Protection principles.

**Section 31(a)(b)** – Information which is not exempt information 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.

The full text of exemptions can be found at [www.legislation.gov.uk](http://www.legislation.gov.uk) and further guidance on how they operate can be located on the Information Commissioners Office website [www.ico.org.uk](http://www.ico.org.uk).

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

### **Section 40**

Section 40 (2) of the FOIA is an absolute exemption which means there is no requirement on 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 constitutes '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 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. 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 PSNI has made the decision to withhold that information.

### **Harm**

Some of the information you have requested directly concerns operational management by PSNI, including numbers of police officers on duty. Whilst the information you seek in the requests above are not in themselves detrimental to policing methodologies, they can be used by others to build up a mosaic picture of how PSNI operates with regards to parades and other public events which are common in Northern Ireland and consequently can assist those with intent to conduct criminal activities with information that can assist them in their criminal intentions if fully released through FOI.

### **Public Interest Test**

#### Factors favouring disclosure Section 31

The public would be better informed of how PSNI conducts its operational role of keeping people safe through its operational of parades and other public events

#### Factors favouring non-disclosure Section 31

The public would not expect police to release through FOI some information that could compromise operational policing and place lives of police and the public at risk

### **Decision**

The PSNI has a duty of care to its officers, staff and the public. Whilst not questioning the motives of the applicant the PSNI cannot release into the public domain all information requested, were to do so

could endanger officers and the public and outline operational methodologies and planning, which if released in full could compromise operational policing activities.

The release of information under Freedom of Information (FOI) 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 who or how the information is shared with other individuals, therefore a release under FOI is considered a disclosure to the world in general.

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 Corporate Information Manager, Corporate Information Branch, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.police.uk](mailto:foi@psni.police.uk).

If, following an Internal Review carried out by an independent decision maker, you remain unhappy about how your request has been handled you have the right to apply in writing to the Information Commissioner, under Section 50 of the Freedom of Information Act, at 'Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. There are a number of other platforms you can use to contact the ICO and these can be found on the ICO's website at the following link: [Make a complaint | ICO \(https://ico.org.uk/make-a-complaint/\)](https://ico.org.uk/make-a-complaint/).

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](http://www.psnipolice.uk)

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