



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-02728

Keyword: Organisational Information Police Vehicles

Subject: Information on PSNI's current vehicle fleet - BMW

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, we 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

Information on PSNI's current vehicle fleet - BMW

Please can you provide the information on your current vehicle fleet to include:

- The make and model of vehicles (BMW X5)
- Vehicle registrations
- Station that the vehicle is associated
- Division to which the vehicle is attached to (e.g firearms)

Answer

Please see attached redacted spreadsheet which provides: Vehicle Make; Vehicle Model; Registration Date of vehicle; Fleet Number and Vehicle Station.

PSNI are withholding vehicle registration number (VRN), role of the vehicle, the policing unit that the vehicle is part of, 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)(a)(b) – Law Enforcement – the prevention or detection of crime and 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 is a prejudiced based, qualified exemption and there is a requirement to articulate the Harm and conduct a Public Interest Test.

Harm for Section 31

As outlined above PSNI are withholding vehicle registration numbers (VRN), role of the vehicle, the policing unit that the vehicle is part of and the initial cost price of the vehicles.

Role Of Vehicles and Policing units to which they are assigned

Disclosing the role of vehicles and policing units to which they are assigned would identify the operational use and capability of these vehicles. This information would be useful for persons to evade the operational law enforcement role of police by identifying PSNI vehicles while they engage in their policing activities, which may significantly impact the law enforcement actions of the PSNI and may potentially place police officers at risk.

Given the unique operating environment in Northern Ireland, where the threat from terrorism remains substantial, the disclosure of this information may be of use to those who seek to cause harm to Police officers. It is reasonable to assume that providing such detailed information on the strength of the PSNI fleet would assist activity by allowing more accurate judgements to be made by criminal's intent on attacking Police. Any information which could be of assistance to terrorists and endanger Police officers is very strongly prejudicing PSNI's law enforcement and security functions if released.

VRN

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.

Public Interest Test for Section 31

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.

Balance Test

Release of the requested information in relation to role of police vehicles, units to which assigned, and VRNs is not in the public interest to release as law enforcement tactics and operational capability could be compromised.

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 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.

The release of information under 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 how the information is shared with other individuals, therefore a release under FOI is considered a release 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 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.psnj.police.uk

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

