



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2023-01813

**Keyword:** Organisational Information Technology and Equipment

**Subject:** Manual Instructions for the Operations of Body Worn Footage

### 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 the information you seek in the request is exempt by virtue of sections 40 and 31 of FOIA and 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

Manual Instructions for the Operations of Body Worn Footage as issued to Police Officers

### Answer

Please see attached redacted PDF titled BWV Operational Guidance.

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)(i) Personal Information** - Information constitutes personal data and disclosure would contravene any of the Data Protection principles.

**Section 31(1) (a) (b) Law Enforcement** – Information which would be likely to prejudice (a) the prevention or detection of crime (b) 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 40(2)(a)(b)**

Section 40 is a class-based exemption, therefore it is not necessary to evidence the harm caused by disclosure or carry out a public interest test. When PSNI receives a request for information that constitutes the personal data about any individual, it must decide whether disclosure would breach Principle 1 of the Data Protection Act (DPA), i.e. whether it would be fair and lawful to disclose the information. Whether it will be fair will depend on a number of factors including the reasonable expectations of the individuals involved, the balance between any legitimate public interest in disclosure and the rights and freedoms of the individual(s) concerned.

PSNI considered the material you have requested. Some of the information requested relates to individuals who we believe would not have a reasonable expectation that their personal information would be released into the public domain through FOI. We consider release of this information would be unfair to those individuals as it would not be in their reasonable expectation. PSNI therefore consider the exemption at Section 40 (2) to be engaged, and have made redactions to the requested information.

Section 31 is a qualified and prejudiced based exemption and this means it is the Public Authority's responsibility to evidence the harm and conduct a public interest test. PSNI applied this to redact Police methodology.

Disclosure of this information into the public domain could be used by those intent on criminal activity for their own purposes, thus adversely affecting the PSNI's law enforcement role. This would therefore both directly and indirectly impact on the prevention and detection of crime, the apprehension of criminals and increase the fear of crime in the community the police service seeks to serve.

### **Public Interest Test**

#### **Factors favouring disclosure – Section 31**

Release of the requested information would lead to a better informed public and would demonstrate openness and transparency. Disclosure could reassure the public that the PSNI are using resources appropriately to enforce the law and ensure individuals are kept safe.

#### **Factors favouring retention – Section 31**

Release of information which could compromise PSNI's law enforcement abilities will not be in the public interest. Information which can educate criminals on police tactics will not assist police with apprehending and prosecuting offenders.

### **Decision**

The PSNI considers that the factors favouring withholding the information are stronger than those in favour of disclosing the requested information. Whilst it is acknowledged that where possible policing matters must be transparent and accountable, the security and effective law enforcement including the development of policing tools and methodologies is important in effective law enforcement. Weakening the mechanisms used to monitor and investigate any type of criminal activity would clearly increase risk.

Whilst there is a public interest in releasing the information requested the PSNI must ensure that law enforcement is not adversely affected by the release of material which reveals its operational methodology or use of tactics.

In this case the public interest favours withholding the information that the PSNI has redacted. PSNI is however providing you with information which does not impede on its law enforcement capabilities.

**The release of information under the Freedom of Information Act is considered 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 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 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.psni.police.uk](http://www.psni.police.uk)

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