



FREEDOM OF INFORMATION REQUEST



Request Number: F-2019-01188

Keyword: Organisational Information/Governance

Subject: Police uniform costs & guidance

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1) (a) of the Act I 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 request 1 and 2 are both exempt by virtue of Section 43 of the FOIA, in relation to request 3 some information is exempt by virtue of section 31 and 38 of the FOIA and have detailed our rationale as to why these exemptions apply. 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

Please provide a detailed outline of the total costs of uniforms.

Request 2

Please provide Individual break downs of item prices.

Request 3

Please provide any handbooks or guides relating to the use and appearance of the uniforms.

Answer

Request 1 and Request 2 have been exempt by virtue of Section 43 and Request 3 is part exempt under Section 31 and Section 38. Please see attachment a copy of handbook and guides to Uniforms within Police Service of Northern Ireland redacted.

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.

Section 38 (1)(b) – Health & Safety – Information is exempt information if its disclosure under this Act would, or would be likely to (b) endanger the safety of any individual.

Section 43 (2) – Commercial Interests – Information would or would likely prejudice commercial interests of any person, including the public authority holding it.

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 and Section 38 are prejudiced based exemptions and this means it is the Public Authority's responsibility to evidence the harm. It is also a qualified exemption and therefore a Public Interest Test must be carried out.

Section 43 is a class based, qualified exemption, which means the legislators have agreed there would be harm if this information was released and a Public Interest Test must be conducted.

Harm

PSNI consider this information crucial to its methodologies and policing operations in the fight against criminal activity and terrorism. Release of information under FOI is considered a release to the world in general, not just to the individual requesting the information.

Disclosing details of specialist types of uniform into the public domain could leave officers vulnerable to attack. Disclosure could advantage criminals/terrorists, assisting them to establish information and aid them in subverting police, or launching attacks, thus hindering the detection of crime and the apprehension or prosecution of offenders.

This argument is further confirmed by the current threat level in Northern Ireland which is currently SEVERE. PSNI is aware of the mosaic and precedent effects of releasing information which may be of use to terrorists. A clear link exists between knowledge available to criminals and the way they operate, with the resultant impact on PSNI potentially giving a tactical advantage to criminals.

Public Interest Test

Factors Favouring Release - Section 31

Release of information relating to the use and appearance of the uniforms would lead to a better informed public and demonstrate openness and transparency.

Factors favouring non-disclosure – Section 31

Disclosing this information could leave officers vulnerable to attack by those criminal elements seeking to subvert police, compromising law enforcement tactics and hindering the prevention and detection of crime and apprehension or prosecution of offenders, impacting on police resources.

Factors Favouring Release - Section 38

Disclosure of this information would promote openness and transparency.

Factors Favouring Retention - Section 38

Releasing these specifications could place officers at risk, leaving them vulnerable to attack by criminals or terrorists.

Factor favouring disclosure – Section 43

Disclosure would better inform the public of the costs involved and demonstrate accountability in the spending of public money.

Factors favouring non-disclosure – Section 43

There is a keen public interest in how public authorities spend public money and that value for money

is achieved. Disclosure of the cost of uniforms could impact on upcoming tender processes where bids are invited and may reduce the ability of PSNI to obtain value for money in procurement and this is the overriding public interest when considering whether to disclose the information sought.

The PSNI's commercial interests could be prejudiced if costs were disclosed which would damage the business reputation of the Service. The FOIA does not define commercial interests and the ICO Guidance on the application of Section 43 suggests that "... a commercial interest relates to a person's ability to participate competitively in a commercial activity i.e. the purchase and sale of goods or services."

Disclosure could discourage companies from submitting commercially sensitive information and consequently undermine the ability of the PSNI to procure best value for public funds and to conduct a fair tender competition in the future. To disclose such commercially sensitive information could diminish confidence in the integrity of the public tendering process thus discouraging companies from competing in public sector tenders. A consequence of this would be to reduce the ability of public authorities to obtain value for money in procurement.

Decision

The PSNI is tasked with the prevention and detection of crime and protecting the public. At this time of increased threat of terrorism, releasing all detailed information on PSNI Uniforms into the public domain would not be in the public interest.

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 not 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.

The PSNI remain under severe threat from Dissident Republicans and disclosure of this information has the potential to assist those intent on carrying out attacks on police officers. Whilst the PSNI would always wish to be transparent and accountable no release under FOI should be made where lives would be put at risk. Whilst the requested information may appear innocuous, we must take into account the wider implications of any release into the public domain including how the requested information may be combined with any previously released data or potential future FOI requests and what impact this 'mosaic' of information will have on the police service as a whole.

Whilst accountability surrounding the use of public funds is always a strong argument in favour of releasing information, I have decided that disclosing PSNI Uniform costs would not be in the public interest for the reasons outlined.

We have therefore determined that a full disclosure of information into the public domain would not be in the public interest. However, it has been determined that a partial disclosure of information relating to the PSNI Uniforms can be released without resulting in harm and this has been provided in the attachment.

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 were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office 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. 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 his 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.