



FREEDOM OF INFORMATION REQUEST



Request Number: F-2019-02139

Keyword: Crime

Subject: Murder Of Catherine O'Connor

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 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

I would like to request any information possible on the murder of Catherine O'Connor on 6-10-1976?

Answer

As previously stated, the information you have requested is being withheld and the following explanation is provided.

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, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 30 (1) (a) - Investigations and proceedings conducted by the public authority

Information held by a public authority is exempt information if it has at any time been held by the authority for the purposes of:

- (a) Any investigation which the public authority has a duty to conduct with a view to it being ascertained (i) whether a person should be charged with an offence, or (ii) whether a person charged with an offence is guilty of 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 30 is a qualified and class-based exemption which means a Public Interest Test must be conducted. This exemption covers information held at any time for the purposes of an investigation, whether the case is open, ongoing, closed or abandoned.

Public Interest Test

Factors Favouring Release

Disclosure could promote public trust in providing transparency, demonstrating openness and accountability in relation to this investigation. To release this information would reassure the public that the PSNI is effectively engaging with its investigative role. All police investigations will involve the use of public funds and where this is the case there is always a public interest in ensuring that those funds are not used unnecessarily or unwisely.

Factors Against Release

The information requested forms part of a murder file and while there is likely information already in the public domain, a release of specific information by PSNI could compromise any future review or investigative opportunities.

If details of the investigation were to be released at this time, the investigation could be hampered and undermined if new witnesses or new information were identified. Confidence in the Police by the family of the victim could also be severely damaged if our abilities to interview witnesses were to be reduced. Disclosure may affect current or future evidence and negatively impact any potential prosecution, hindering the administration of justice.

Decision

It could be argued that there is a public interest in the transparency of investigations carried out by the police to ensure they are being conducted appropriately and in line with current investigative guidelines. However, the Police Service has a duty of care to all individuals involved in any investigation to ensure effective law enforcement and the prevention and detection of crime. The Police Service will not disclose information which could compromise an open investigation.

The release of information under the Freedom of Information Act 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.

Legacy Investigation Branch considers that until all deaths attributable to the Troubles are investigated, further investigative opportunities may exist and investigative opportunities may be severely hampered by the release of any information until reviews are complete. Release could also jeopardise possible judicial process.

PSNI must ensure that investigations or future evidence opportunities are not adversely affected by the release of information. On balance the requirement to withhold this information must therefore take precedence over the important issues of public accountability and transparency. Therefore, the public interest, in this instance, is best served by not releasing the information to which you seek access.

For your information

Legacy Investigation Branch (LIB) has advised that family members can contact LIB personally, outside of the FOI process. The following contact details are provided below:

Legacy Investigation Branch
4-8 Ravernet Road
Sprucefield
Lisburn
Co. Antrim
BT27 5NB

LIBEnquiries@psni.pnn.police.uk

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.