



FREEDOM OF INFORMATION REQUEST



Request Number: F2011 03314

Keyword: Crime

Subject: Seized Currency from Visitor/s at Maghaberry Prison

Request and Answer:

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information you requested. The decision has been taken to disclose information in response to questions 1 and 2 in full:

I am requesting all information under FOIA and all other rights of access regards seized currency from visitor/s at Maghaberry Prison.

The following relates to this request:

<http://www.tuv.org.uk/press-releases/view/1318/why-the-silence-over-huge-currency-find-at-maghaberry-prison,-asks-allister>

Question 1

1. On how many occasions have there been currency seizures from visitors at Maghaberry Prison during following;

- (a) Between 1st January 2009 and 1st January 2010?
- (b) Between 1st January 2010 and 1st January 2011?
- (c) Between 1st January 2011 and up until the date this request has been answered?

Answer

I Can confirm that there has been one currency seizure in September 2011 made by PSNI since January 2009.

Question 2

Please supply full details of amounts that have been seized during above period, (a), (b) and (c). Please also include breakdown of all amounts.

Answer

The amount seized in September 2011 was £510,000.

Additionally PSNI can neither confirm nor deny whether any other information is held under Sections 23 (5), 30(3), 31(3) by virtue of (1)(a) (b) (f) and Section 38(2).

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

Section 23 (5) Information Relating to the Security Bodies

Section 23 is an absolute class-based exemption and therefore there is no requirement to conduct a harm or public interest test.

Section 30 (3) Investigations.

Factors favouring confirmation or denial

The public interest will always be in providing appropriate information that police investigations are being carried out efficiently and effectively. Confirmation of information held in this case could promote public trust in providing transparency, whilst demonstrating openness and accountability into the level of the investigation which took place at the time of the incident.

Factors not favouring confirmation or denial:

Routine confirmation or denial about the level of other information held in any current police investigation could seriously undermine the investigation and prejudice the detection of crime. This would lead to the investigation being prejudiced and would effect the PSNI's future law enforcement capabilities if such information was released before the investigation and court case had been concluded.

Despite the fact that there has been recent media comments concerning this crime, the fact is that the investigation is still open and ongoing and therefore the PSNI consider the confirmation or denial of any further information, would hinder the current investigation. This could also undermine the right to a fair trial.

Section 31(3) by virtue of (1)(a) (b) (f) Law Enforcement.

Factors favouring confirmation or denial

Confirmation or denial around the information that may or may not be held would assist the public to be better informed and who may, or may not, have been responsible for this crime. As previously mentioned, there is already some information in the public domain.

Factors not favouring confirmation or denial

PSNI operational techniques and capabilities would be placed at risk if further information were to be confirmed or denied and this would significantly impact on any current investigation process as this may/may not identify where the PSNI had been successful in obtaining vital evidence as part of their investigation. Such a disclosure would seriously impact on the operational effectiveness of the PSNI in carrying out its law enforcement role. Confirmation or denial could adversely affect the partnership approach regarding the maintenance of security and good order in prisons where persons are lawfully detained.

Section 38(2) Health and Safety

Factors favouring confirmation or denial.

Demonstrates openness and transparency in particular for the public seeking assurances in regard to areas of criminal activity the police service allocate public funds to. Therefore by confirming or

denying further information would lead to better informed public awareness and debate.

Factors not favouring confirmation or denial

By confirmation or denying the disclosure of details and responsibilities of individuals' and/or other agencies' possible involvement relating to the crime, could endanger their lives by revealing their identity. Confirmation or denial would reduce the level of confidence in the police service to protect the well-being of the community.

Balance Test :

I am obliged to weigh up the above factors in order to determine whether the public interest lies in maintaining a neither confirm nor deny stance. In this case, the public benefit in being more aware is outweighed by the potential risk to investigations.

PSNI will not divulge whether further information is or is not held if to do so would place the safety of an individual at risk or undermine an investigation.

On balance, to the extent that these exemptions apply, we have determined that in all circumstances of this case the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in confirming whether the PSNI holds any further information. We recognise that there is public interest in knowing whether further information is, or is not held. However, confirmation or denial that further information is held is outweighed by the potential risk to the resolution of police enquiries.

However this should not be taken as conclusive evidence that further information exists.

You also asked for information under all other rights of access. Any request for personal data under the rights of access will fall under the Data Protection Act and should you require any further information the following DAT1 web link is available.

<http://www.psni.police.uk/dat.pdf>

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 Freedom of Information Team, 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 Freedom of Information, 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.psnipolice.uk

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