



FREEDOM OF INFORMATION REQUEST



Request Number: F-2019-01344

Keyword: Organisational Information/Governance

Subject: PSNI Fleet

Request and Answer:

Request

Please list the fleet of all of the different types of unmarked and semi-marked vehicles used by the PSNI in Derry City. E.g. Unmarked Skoda Superb SE L 4X4. (I do not want anything personal such as license plates, I just want to know which ones they use)

How much does it cost to purchase all of the different types of unmarked and semi-marked vehicles used by the PSNI in Derry City?

Please list how many of each of these vehicles is currently in service.

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.

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(a)(b) – Law Enforcement – the prevention or detection of crime, and the apprehension or prosecution of offenders

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 is a prejudiced based exemption 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 Test

Given the unique operating environment in Northern Ireland, where the threat from terrorism remains severe, the disclosure of this information may be of use to those who seek to cause harm to police officers. The disclosure of the requested information for non-liveried PSNI vehicles may enable criminals or terrorist groups to identify those non-liveried 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. 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 criminals.

Public Interest Test

Factors favouring disclosure – Section 31

Release of the requested information of the details of the PSNI fleet would lead to a better informed public and would show transparency and accountability on the part of the PSNI.

Factors favouring non-disclosure – Section 31

The release of information concerning the operational strength of the police fleet taken on its own or together with other information, either already available or the subject of further requests, with the threat from terrorism remaining severe across Northern Ireland, this could place an adversely affect to the law enforcement activities of the PSNI and potentially put police officers at risk of harm by attack.

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 purchase costs could impact 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 detailed information on the strength of the non-liveried PSNI fleet into the public domain would not be in the public interest. In addition, to provide the requested information, on non-liveried police vehicles and would have the potential to negatively impact the law enforcement capabilities of the PSNI and may place police officers at risk of harm. It is acknowledged that wherever possible policing procedures must be transparent and accountable. However, police need to make balanced judgements which justify why some information needs to remain exempt and unpublished.

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 initially appear innocuous, when considering the response to any FOI request, 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.

We have therefore determined that a full disclosure of the information requested 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 liveried police vehicles can be released without resulting in harm should you wish to raise another request through Freedom Of Information?

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.psnipolice.uk

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