

Freedom of Information Act 2000 (FOIA)

Decision Notice

Date: 5 October 2015

Public Authority: Police Service of Northern Ireland
Address: PSNI Headquarters
65 Knock Road
Belfast
BT5 6LE

Decision (including any steps ordered)

1. The complainant has requested information relating to allegations of high treason and sedition recorded by the Police Service of Northern Ireland (the PSNI). The Commissioner's decision is that PSNI does not hold any recorded information relevant to the request. No further steps are required.

Request and response

2. On 28 November 2014 the complainant requested the following information from PSNI:

"I require the following information from the PSNI FOI Team on both the major common law and statutory crimes of both Sedition and High Treason reported by members of the public in Northern Ireland covering the period from 1st Jan 2010 until 28th Nov 2014.

I require information and answers from PSNI FOI Team to following questions

- (1) *How many people in Northern Ireland have reported the major common law and statutory crime of High Treason and Sedition to PSNI covering the period 1st Jan 2010 until 28th Nov 2014?*
- (2) *How many crime book reference numbers have been recorded and issued by PSNI to people in Northern Ireland for reporting or*

attempting to report the major crime of High Treason and Sedition at both common law and statute between the period 1st Jan 2010 up to 28th Nov 2014?

- (3) Does the PSNI hold information that records and acknowledges the existence of the major crimes of High Treason and Sedition at both common law and statute on PSNI Police National Computer Database and does PSNI hold any records, either paper, digital or electronic that would pertain to acknowledgement or confirmation of major crime of treason, and that it does indeed exist to this day at both common laws and statute covering period 1st Jan 2010 until 28th Nov 2014?*
- (4) Where Treason has been reported by individuals in Northern Ireland and reported and logged on PSNI computer records by PSNI as a crime, and where crime book reference number has been issued to individuals from Northern Ireland, does PSNI FOI Team have access to or hold any information, on any direct action, and investigations taken by PSNI between period 1st Jan 2010 and 28th Nov 2014, for example offer of issue of crime book reference numbers to public in NI, did PSNI pass on the Treason allegations to Sir Bernard Hogan Howe and the Metropolitan Police in London for them to investigate further?*
- (5) If so how many times have PSNI passed Treason Allegations to Metropolitan Police in London, please include all Dates, times, and any relevant dialogue between PSNI and Met Police in relation specifically to discussion on paper, digitally, or electronically over crimes of sedition and treason by existing and former UK politicians?*
- (6) Has anyone reporting Treason and Sedition from Northern Ireland to PSNI been advised by PSNI to refer treason to Police Ombudsman Service of Northern Ireland. If so please list number of times this occurred, and dates, times between 1st Jan 2010 and 28th Nov 2014.*
- (7) How many people who attempted to report Treason to PSNI have been refused crime book reference number by PSNI covering period between 1st Jan 2010 up until 28th Nov 2014.*
- (8) Please list all legal and lawful reasoning by PSNI where appropriate covering period from 1 Jan 2010 up until 28th Nov 2014 for refusing members of public from Northern Ireland a Crime book reference number for reporting or attempting to report major crime of Treason to PSNI at both common law and statute."*

3. PSNI responded to the complainant on 18 December 2014. PSNI advised that it had conducted searches but had not located any information relevant to the request.
4. The complainant requested an internal review on 21 January 2015 and PSNI provided him with the outcome of the review on 18 February 2015. PSNI maintained that it did not hold any recorded information that would answer the request, on the basis that no crimes of the description specified by the complainant had been reported and subsequently recorded by police during the specified time period.

Scope of the case

5. On 2 April 2014 the complainant wrote to the Commissioner to complain about PSNI's response to his complaint.
6. The complainant provided the Commissioner with information he considers to be evidence that the requested information is held by PSNI. The complainant stated that two individuals attended a particular police station in 2014 to report allegations of sedition and treason, and that they were provided with a card indicating a "Crime Related Incident Number". The complainant provided the Commissioner with a photograph of what he says is the crime related incident number.

Reasons for decision

Is recorded information held by the public authority?

7. The Commissioner's published guidance states that when considering whether information is held, the Commissioner uses the civil standard of proof, i.e. whether it is likely or unlikely on the balance of probabilities.¹ In assessing such cases the Commissioner will consider the extent and quality of the authority's search for the requested information, any other explanations provided, and the complainant's reasons for believing that the information is held.

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http://ico.org.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Practical_application/determining_whether_information_is_held_foi_eir.ashx

8. The Commissioner asked PSNI how it was satisfied that it did not hold any recorded information. The Commissioner also provided PSNI with a copy of the photograph provided by the complainant and asked PSNI to confirm whether the card could be interpreted as a crime related incident number.
9. PSNI advised the Commissioner that if the information was held it would be stored in NICHE, PSNI's records management system. PSNI confirmed that its Central Statistics Branch (CSU) and Information and Communications Service (ICS) had conducted thorough searches. ICS confirmed that it had not found any instances of offences of "treason" or "sedition" on NICHE. Similarly, CSU checked the Northern Ireland police recorded crime figures dating from 1998, and did not find any record of such offences. Therefore PSNI concluded that it did not hold any recorded information relevant to the request.
10. PSNI also addressed the Commissioner's queries with regard to the information provided by the complainant (ie the photograph). PSNI explained to the Commissioner that the complainant had not provided this information at the time of the request, or when the internal review was sought.
11. PSNI advised that anything reported at a police station was entered on its Command Control system and allocated an occurrence number. PSNI confirmed that it did hold a record of the individual named by the complainant attending a police station on the date provided. However PSNI's records indicated that the individual had handed in a letter that he wished to be forwarded to two named individuals, neither of whom were PSNI officers or employees. PSNI said that the photograph provided by the complainant appeared to show a PSNI calling card containing an occurrence number. This may have been given to the individual who handed in the letter. However PSNI confirmed that it was not a crime reference number.
12. The Commissioner put PSNI's explanation to the complainant. The complainant did not accept the explanation and maintained that the individual handing in the letter had been told by the PSNI officer at the station that the card contained a "crime related incident number". The complainant asked the Commissioner to seek further information from PSNI relating to its handling of the individual handing in the letter. The complainant asked that the Commissioner obtain affidavits from the PSNI officer who received the letter, as well as the member of staff who dealt with his information request.
13. The Commissioner has explained to the complainant that the FOIA only provides for recorded information to be disclosed into the public domain. The FOIA does not in itself require public authorities to hold

information, it merely provides for access to information that is already held. The Commissioner cannot decide on whether a public authority ought to hold certain information, he can only decide whether or not, on the balance of probabilities, it does hold that information.

14. The Commissioner understands that the complainant is dissatisfied with the service he has received from PSNI, and the complainant has made allegations on behalf of the individual who handed in the letter to the PSNI station. However the Commissioner has explained to the complainant that complaints about police officers are the responsibility of the Police Ombudsman for Northern Ireland, not the Commissioner. The Commissioner can only decide whether a particular request for information has been handled in accordance with the requirements of the FOIA.
15. In light of the above the Commissioner is satisfied that PSNI has conducted an appropriate and adequate search for the requested information. The Commissioner has also considered whether he could identify any further action that PSNI could be required to take. However, given that PSNI has provided a clear explanation of its position, the Commissioner is of the view that there is nothing more he can require PSNI to do in relation to the complainant's request. Therefore, on the balance of probabilities the Commissioner is satisfied that PSNI does not hold any recorded information which is relevant to the request.

Right of appeal

16. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals
PO Box 9300
LEICESTER
LE1 8DJ

Tel: 0300 123 4504
Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

17. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Tribunal website.
18. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

**Alexander Ganotis
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