



## FREEDOM OF INFORMATION REQUEST

**FOI Reference number:** FOI 37/2015

**Date:** 12 August 2015

**Request:** Could you please provide details regarding all applications, made by the PSNI, to access the £150 million which was proposed under the Stormont house Agreement (SHA)?

Specifically, please provide the dates applications were made, to whom or which department the applications were made, and the amounts requested, and for what purposes the money was required.

Further could you please provide details of any and all responses to those applications, and confirm what the current position is with regard to any outstanding applications.

Could you further please provide details of involvement of the Policing Board in this process

**Answer:** The Board holds one document (provided to the Board by the PSNI for information purposes) which is considered to fall within the remit of your request.

On 24 July 2015 in our initial response to you the Board advised that the exemption at section 36 (2) (c) of the Freedom of Information Act (Prejudice to the Effective Conduct of Public Affairs) applied to the requested information.

Section 36 requires that, other than for statistical information, the qualified person for the public authority must give their reasonable opinion that the exemption is engaged. The qualified person for the Board is the Chief Executive. A submission using the ICO document entitled 'Record of the qualified person's opinion' was made to the Interim Chief Executive on 24 July 2015 and he provided an opinion that the exemption at Section 36 (2) (c) was engaged.

In our correspondence to you dated 24 July 2015 we also advised that Section 36 is a qualified exemption and, as such, is subject to a Public Interest Test. We further explained that we needed additional time to fully consider a Public Interest Test in relation to the information requested.

The Board has now completed its deliberations to determine if, in all the circumstances of the case, the public interest in maintaining the Section 36 exemption outweighs the public interest in disclosing the information

In the circumstances of these requests the Board has determined that at this time the public interest in maintaining the exemption outweighs the public interest in disclosure, and therefore the requested information is not being released.

A copy of our public interest test document is enclosed for your information.

If you have queries about this request or the decision please contact the Board quoting the reference number above. If you are unhappy with the service you have received and wish to make a complaint or request a review you should write to the Board's Chief Executive at the following address:

Northern Ireland Policing Board  
Waterside Tower  
31 Clarendon Road  
Clarendon Dock  
Belfast BT1 3BG

Email: [foi@nipolicingboard.org.uk](mailto:foi@nipolicingboard.org.uk)

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner. Generally, the Information Commissioner's Office cannot investigate or make a decision on a case unless you have exhausted the complaints procedure provided by the Board. The Information Commissioner can be contacted at:-

The Information Commissioner's Office – Northern Ireland  
3rd Floor  
12 Cromac Place  
Gasworks  
Ormeau Road  
Belfast  
BT7 2JB.

Telephone: - 02890 269 380

Email: - [ni@ico.org.uk](mailto:ni@ico.org.uk)

Please be advised that all Policing Board replies under Freedom of Information will be released into the public domain via our website @ [www.nipolicingboard.org.uk](http://www.nipolicingboard.org.uk).

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

## **FOI 37/2015 – Section 36 Exemption “Effective Conduct of Public Affairs”**

### **Public Interest Test**

The above exemption is a qualified exemption, and a Public Interest Test must be carried out to decide whether the public interest in maintaining the exemption outweighs the public interest in disclosure.

### **Information requested by the applicant**

#### **FOI 37/2015**

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### **Arguments in favour of disclosure of the requested information**

There is a public interest in making this information available in order to increase transparency in the discussion and implementation mechanisms designed to bring forward the detail of the Stormont House Agreement.

### **Arguments in favour of engaging the exemption and withholding the requested information**

The discussion and negotiation process which the PSNI is currently engaged in should be protected to allow effective engagement with the Stormont House Implementation Group.

Premature disclosure of what are preliminary thoughts around funding to the PSNI could result in the stymieing of considered, fully developed considerations and arguments in support of PSNI's bid process under the Stormont House Agreement.

### **Result**

Taking into account all of the deliberations above, it is felt that the public interest in engaging the exemption to withhold the information outweighs the arguments towards disclosure at this point in time.

As a result, the requested information should be withheld.