

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 July 2024

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

Decision (including any steps ordered)

1. The complainant requested from Police Service of Northern Ireland (PSNI) information relating to PSNI connections with Israel. PSNI provided a Neither Confirm Nor Deny (NCND) response and cited exemptions; sections 23(5) (Information supplied by or relating to security bodies), 24(2) (National security), 27(4) (International relations), 31(3) (Law enforcement), 38(2) (Health and safety) and 40(5B)(a)(i) (Personal information) of FOIA.
2. The Commissioner's decision is that PSNI was entitled to withhold the information under sections 23(5) and 24(2) of FOIA and the public interest favours maintaining the exemption. Therefore, the Commissioner does not require PSNI to take any steps as a result of this decision.

Request and response

3. On 14 December 2024, the complainant wrote to PSNI and requested information in the following terms:

"Can the PSNI confirm if its officers/leadership has ever visited Israel for training or vice versa with Israeli officers and/or IDF personnel and/or government officials visiting Northern Ireland to train and/or share knowledge and/or share intelligence?"

Has the PSNI has shared knowledge/intelligence with Israel's police service, the IDF or the government of Israel over the past 10 years?

If so, can you share any information about the nature of these interactions?"

4. On 8 February 2024 PSNI responded. It provided a Neither Confirm Nor Deny (NCND) response and cited the following FOI exemptions:
 - section 23(5) (Information supplied by or relating to security bodies)
 - section 24(2) (National security)
 - section 27(4) (International relations)
 - section 31(3) (Law enforcement)
 - section 38(2) (Health and safety)
 - section 40(5B)(a)(i) (Personal information)
5. On 9 February 2024 the complainant asked for an internal review.
6. On 27 February 2024 PSNI provided its review response and maintained its position of its application of NCND and the exemptions cited.

Reasons for decision

7. This reasoning covers why PSNI was entitled to rely on sections 23(5) and 24(2) of FOIA.

Section 23 – Security bodies

8. Section 23(5) provides an exemption from the duty to confirm or deny whether information is held if doing so would involve the disclosure of any information (whether or not already recorded) which was directly or indirectly supplied by, or relates to, any of the bodies specified in subsection (3). The list includes the Security Service, the Secret Intelligence Service and other similar bodies. This is a class-based exemption, which means if confirmation or denial would have the result described in section 23(5) of FOIA, the exemption is engaged.
9. PSNI confirmed the requested information, if held, would be directly or indirectly supplied by one of the bodies within the sub-sections listed in section 23(3) of FOIA. PSNI said the requested information, if held, would likely be directly supplied to PSNI by the body listed as: (c) the Government Communications Headquarters.

10. In response to the complainant's argument where he referred to two links from 2021, which detail the work of PSNI to certain project work, PSNI said official comments from PSNI within the article only confirm involvement in the EU project Horizon 2020. It said, it does not specify any particular countries PSNI are working with, nor is it an acknowledgement of the information being requested within the complainant's request. PSNI emphasised that the request is asking for detailed information concerning the involvement of PSNI in the training of, or sharing of knowledge or intelligence with Israeli Police, Government, or Israel Defence Forces. PSNI stated "to provide information in relating to specific countries, where not already avowed by the force, would be detrimental to the National Security of the UK and its people, and would undermine internal relations now or in the future."
11. PSNI further explained information that may have been made public at one point in the past, does not set a precedent for the same type of information being released in the future. PSNI said "each request must be assessed on a case-by-case basis as the risk in disclosure must be assessed in the context of each individual request, taking into account any increase in risk at the current time."
12. The Commissioner considers it is clear that the subject matter of the request – connections with Israel and its military, is within the area of the work of security bodies.
13. The Commissioner accepts that, on the balance of probabilities, any information held by PSNI falling within the scope of the request, would relate to, or have been supplied by a body listed in section 23(3). He therefore finds section 23(5) of FOIA is engaged.

Section 24 – Safeguarding national security

14. Section 24(2) of FOIA provides an exemption from the duty to confirm or deny whether information is held, where the exemption is required for the purposes of safeguarding national security.
15. PSNI said to confirm whether any other information relevant to this request is, or is not held, would highlight to terrorists and individuals intent on carrying out criminal activity. It may also expose vulnerabilities within the Police Service and which countries require UK policing support. PSNI stated, considering the current security climate within the UK, information that may aid a terrorist, should not be disclosed.

16. PSNI said it is unknown to what extent this information may aid a terrorist, but it believes it will have an impact on the service's ability to monitor terrorist activity both nationally and internally, whilst also taking steps overseas to ensure the UK is safeguarded from terrorism. PSNI believes that this request is asking for an intelligence picture over a 10 year period, not just an acknowledgement that training may, or may not, be taking place. PSNI said disclosure of information, if held, risks undermining international relationships and is likely to have an undesirable impact on the national security of both the UK and Israel. This impact is likely to be worsened should information, if held, be linked with information gathered from other sources. PSNI is of the view that "the more information that is disclosed over time, the more this will provide a detailed account of the tactical infrastructure, not only of a force area, but also the country as a whole and globally."
17. Having considered PSNI's submissions, the Commissioner finds it is reasonably necessary for the purpose of national security for PSNI to NCND whether the requested information is held. Therefore, the exemption provided by section 24(2) of FOIA is engaged.

Public interest test

18. As the Commissioner is satisfied the exemption is engaged in this case, he will consider whether the public interest in maintaining the exemption outweighs the public interest in confirming or denying the information is held.

Public interest arguments in favour of confirming or denying whether information is held

19. PSNI recognises the importance of the public being informed of how public money is being spent, and how public authorities conduct their activities and generate income. PSNI said, to confirm or deny whether any information regarding policing assistance to international states is held, could increase public confidence and allow for better informed public debate.

Public interest arguments in favour of maintaining the exemption

20. PSNI argued that to confirm or deny information was, or was not held, could prejudice the Government's ability to maintain National Security. PSNI stated that it is not in the public interest to disclose the capabilities of the Police Service and other authorities, and the techniques and operations that they may, or may not, use to safeguard the country. PSNI explained that this would allow determined individuals the ability to, over time, identify which Public Authorities hold certain types of

National Security information and which do not hold information, providing insight into the scale and scope of security operations

21. This, PSNI stated, would result in presumptions being made about which Public Authorities might have an interest in certain matters of National Security. PSNI said any response that has the potential to undermine ongoing and future operations to protect the security of the UK, would significantly increase the risk of harm to the community at large. Therefore, PSNI argued that such actions would not be in the best interest of the public.

Balance of the public interest test

22. In balancing the public interest arguments, the Commissioner accepts that there is some valid public interest in confirmation or denial in response to this request. This would inform the public on how public money is being spent, how PSNI carry out their activities and create income. It could also raise confidence in the public and allow for better informed public debate.
23. However, this public interest does not match the weight of the public interest in safeguarding national security. Therefore, the Commissioner's conclusion is the public interest in maintaining this exemption outweighs the public interest in disclosure of the confirmation or denial that information is held.
24. In view of the Commissioner's findings, PSNI was not required to confirm or deny whether it held the requested information. Therefore, the Commissioner has not found it necessary to consider the other exemptions cited by PSNI in this case.

Right of appeal

25. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

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

Joanna Marshall
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