

Freedom of Information Act 2000 (FOIA)

Decision Notice

Date: 19 November 2019

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

Decision (including any steps ordered)

1. The complainant requested information from PSNI regarding a reciprocal agreement with An Garda Síochána in the Republic of Ireland. PSNI has failed to respond to the request; therefore the Commissioner's decision is that PSNI has failed to comply with section 10(1) of the FOIA.
2. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Respond to the complainant's request: Firstly, confirm or deny that the requested information is held (or, if the public authority decides to refuse to confirm or deny that any of the requested information is held, then a refusal notice should be issued that complies with the requirements of section 17 of the FOIA).
 - Secondly, and subject to the above, if the information is held the public authority must either disclose the requested information or, if it wishes to withhold any information, issue a refusal notice in relation to the information it wishes to withhold and disclose the remainder.
3. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the FOIA and may be dealt with as a contempt of court.

Request and response

4. On 12 August 2019 the complainant submitted a request for information to PSNI. PSNI acknowledged receipt of the original request on 20 August 2019 but advised that it was experiencing delays in responding to requests.
5. The complainant contacted the Commissioner on 12 September 2019 since he had not received a response to his request. On considering the correspondence the Commissioner recommended that the complainant clarify his request to PSNI, so as to be clear about what recorded information he sought.
6. Subsequently on 19 September 2019 the complainant wrote to PSNI to provide clarification of the request as follows:

"I am seeking:

- 1. A copy of the reciprocal arrangement between the Minister, An Garda Síochána and the Police Service of Northern Ireland in allowing members of PSNI/AGS to carry weapons across the border and into the other state's jurisdiction.*
- 2. A copy of the current firearms certificate granted to PSNI to enter the Republic of Ireland.*
- 3. A copy of documents, forms, notes and/or memoranda showing that the firearms certificate granted to PSNI, by the Minister of Justice (ROI), is reviewed and granted by him on a yearly basis as per the firearms legislation."*

Scope of the case

7. The complainant contacted the Commissioner again on 18 October 2019 since he had still not received a response to his request.
8. The Commissioner wrote to PSNI on 23 October 2019 to request that it respond to the complainant's request within ten working days.
9. PSNI acknowledged this correspondence and advised that it would endeavour to issue a response on 11 November 2019. However no response had been issued at the time of serving this decision notice.

Reasons for decision

Section 1: general right of access

Section 10(1): time for compliance

10. Section 1(1)(a) of the FOIA requires a public authority to inform the complainant in writing whether or not recorded information is held that is relevant to the request. Section 1(1)(b) requires that if the requested information is held by the public authority it must be disclosed to the complainant unless a valid refusal notice has been issued.
11. Section 10(1) requires that the public authority comply with section 1 promptly, and in any event no later than 20 working days after the date of receipt of the request.
12. Despite the Commissioner's intervention, PSNI has not issued a substantive response to the complainant's request. The Commissioner therefore finds that PSNI has failed to comply with section 10(1) of the FOIA.

Right of appeal

13. 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@justice.gov.uk

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

14. 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.
15. 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

**Sarah O’Cathain
Senior Case Officer
Information Commissioner’s Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**