



FREEDOM OF INFORMATION REQUEST

Please note the text of this request has been reproduced exactly as received.

FOI Reference number: FOI 17/2024

Date: 26 September 2024

Request:

I wish to submit a FOI for the minutes of a Policing Board Meeting held on 31 August 2023.

Answer:

We can confirm that the Northern Ireland Policing Board holds the information you requested. However, we are withholding that information since we consider that the exemption under section 36 Prejudice to effective conduct of public affairs is engaged.

The specific sub section being relied on is Section 36 (2) (b) (ii) of the Freedom of Information Act 2000.

Section 36 (2) (b) states:

Information to which this section applies is exempt information if in the reasonable opinion of a qualified person disclosure of the information under this Act –

Would, or would be likely to inhibit –

- i (i) The free and frank provision of advice, or
- ii (ii) The free and frank exchange of views for the purposes of deliberation.

The information, within the scope of your request, has been shown to the 'Qualified Person' who for the Board is the Chief Executive. The 'Qualified Person's' opinion is that the exemption at Section 36 (2) (b) (ii) is engaged.

As this exemption is a qualified exemption the Board has gone on to carry out a public interest test to decide whether the public interest in maintaining the exemption outweighs the public interest in disclosure. Having conducted the public interest test it is felt that the public interest in engaging the exemption to withhold the information does outweigh the arguments towards disclosure at this point in time. A copy of the public interest test is attached at Annex A.

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 contact the Board's Chief Executive -

Via Email: foi@nipolicingboard.org.uk

Or in writing at the following address:

Northern Ireland Policing Board
James House
Block D
2 – 4 Cromac Avenue
The Gasworks
Belfast
BT7 2JA

You should contact the Board within 40 working days of this response.

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. You should make complaints to the ICO within six weeks of receiving the outcome of an internal review.

The Information Commissioner can be contacted at the following web link –

www.ico.org.uk/foicomplaints

or in writing at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Telephone: - 0303 1231114
Email: - ni@ico.org.uk

Please be advised that Policing Board replies under Freedom of Information may be released into the public domain via our website @ www.nipolicingboard.org.uk.

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

FOI 17/2024 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

The minutes of a Policing Board Meeting held on 31 August 2023.

Arguments in favour of disclosure of the requested information

1. Disclosure of the requested information would be in line with the spirit and requirements of the Freedom of Information legislation in asking public bodies to be open and transparent and would help promote accountability about how the Board performs its functions.
2. The issue discussed at the Board meeting generated media coverage and, therefore, it could be argued that there is a public interest in releasing the requested information.

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

1. Withholding disclosure would safeguard openness in all communications internally between Board Officials, as well as with Board members as well as between the Board and relevant third parties. This will ensure a full and frank exchange of views and robust discussion, which in turn is fundamental to the administration of justice.
2. There is a public interest in allowing the Board to effectively exercise its functions, including holding the Chief Constable to account. The disclosure of this information may make such scrutiny by the Board more difficult to conduct in the future by inhibiting full and frank discussion.
3. It is important that the Board members have private thinking space to explore all aspects of the issues under consideration in such special meetings, without fear that partially-formed views will enter the public domain. The exercise of the exemption, therefore, is necessary to allow the Board to reach thorough and fair conclusions.

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.

As a result, the requested information should not be provided.