

[REDACTED]

FOI 614/23-24

29 February 2024

[REDACTED]

I refer to your email of 31<sup>st</sup> January 2024 and 2<sup>nd</sup> February 2024 in which you requested information. Your request has been dealt with under the terms of the Freedom of Information Act 2000.

### **Freedom of Information Act 2000**

The Freedom of Information Act creates rights of access for any person making a request for information to a public authority. The rights of access are twofold. First, to be informed by the public authority if it holds information of the description specified in the request, and if that is the case, secondly, to be provided with that information. These rights are subject to important limitations, which are designed to achieve a proper balance between the right to know and considerations of law and policy in the broader public interest.

You had asked the following:

- 1. A copy of the NI Guidance*
- 2. An explanation as to how the NI Guidance can be on "all fours" with CPS Guidance when this specific point is not contained within same.*
- 3. An explanation as to why, if the NI Guidance is on "all fours" with CPS Guidance, the PPS refuse to accept or apply it, instead contending such guidance only applies for judicial consideration*

*Following clarification, you confirmed that this request is pursuant to the FOI response 322/23-24 issued on 18/9/2023.*

In respect of Question 1, the 'NI Guidance' referred to in FOI response 322/23-24, is in reference to the JSB 'Reporting Restrictions Guide'. In terms of the Freedom of Information Act, please be advised that this guidance is available by other means (Section 21 of the FOI Act 2000 refers) but for your convenience I have attached the link below.

[JSB Reporting Restrictions Guide - November 2019 4.12.19.pdf \(judiciaryni.uk\)](#)

In response to questions 2 and 3, I can advise that under the terms of the Freedom of Information Act 2000 a person can request information which is defined as “recorded information” and does not include explanations. It does not place a duty upon public authorities to answer a question unless recorded information exists. Therefore, the explanation requested cannot be dealt with under the terms of the Freedom of Information Act 2000.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review in accordance with our review procedure. You should do this as soon as possible or in any case within two months of the date of this response and you can do so by writing to the Head of Policy and Information, Public Prosecution Service, Belfast Chambers, 93 Chichester Street, BELFAST, BT1 3JR or alternatively by sending an e-mail to [info@ppsni.gov.uk](mailto:info@ppsni.gov.uk). You should state the grounds on which you are requesting the review.

Alternatively, you may wish to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

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

Yours sincerely,

**Information Management Team**  
**Public Prosecution Service**