

Please read the Introduction – See [Introduction](#).

## Section 32: Law Enforcement and Public Safety

Section	Information Required
32(1)(a)	<p>Section 32(1)(a) applies where access to the record could reasonably be expected to prejudice or impair the matters specified in sub-paragraphs (i) to (x) – thus, this is a ‘harm’ based exemption.</p> <p>In arriving at a decision to claim exemption under subsection (1)(a), a decision maker must, firstly, identify the potential harm to the functions covered by the exemption that might arise from disclosure and, having identified that harm, consider the reasonableness of any expectation that the harm will occur.</p> <ul style="list-style-type: none"> <li>• State which sub-paragraph of section 32(1)(a) is being relied on for the refusal to grant access to <b>each</b> record, i.e. sub-paragraph (i), (ii), (iii), (iv), (v), (vi), (vii),(viii), (ix) or (x).</li> <li>• In respect of the relevant sub-paragraph being relied on, please provide the details requested below in relation to each record : <ul style="list-style-type: none"> <li>(i) identify: <ul style="list-style-type: none"> <li>- the particular function or</li> <li>- the particular lawful methods, systems, plans or procedures concerned;</li> </ul> </li> <li>(ii) identify the relevant law and clarify whether it is the enforcement of, the compliance with or the administration of that law that is concerned</li> <li>(iii) describe the lawful methods, systems, plans or procedures concerned</li> <li>(iv) identify the proceedings and the court or tribunal concerned</li> <li>(v) if not evident from the record, identify the penal institution concerned (see also section 32(4))</li> <li>(vi) if not evident from the record, identify the children detention school concerned</li> <li>(vii) if not evident from the record, identify the remand centre concerned</li> <li>(viii) n/a</li> <li>(ix) identify the building, structure, vehicle, ship, boat or aircraft concerned</li> <li>(x) identify the system of communications concerned.</li> </ul> </li> <li>• Describe the nature of the prejudice or impairment expected (the harm).</li> <li>• Explain <u>how</u> the release of the particular record is expected to cause the harm identified.</li> <li>• Explain why you consider that the harm identified could reasonably be expected to occur.</li> <li>• Please also answer the question at section 32(3) below.</li> </ul>

32(1)(b)	<ul style="list-style-type: none"> <li>• Explain how the release of the particular record is expected to cause the life or safety of any person to be endangered.</li> <li>• Explain why you consider that such endangerment could reasonably be expected to occur.</li> <li>• Please also answer the question at section 32(3) below</li> </ul>
32(1)(c)	<ul style="list-style-type: none"> <li>• Show <u>how</u> the release of the record is expected to facilitate the commission of an offence.</li> <li>• Indicate the nature of the relevant offence concerned.</li> <li>• Explain why you consider such facilitation could reasonably be expected to occur.</li> <li>• Please also answer the question at section 32(3) below.</li> </ul>
32(2)	<p><u>To be asked only where section 32(2) has been relied on</u></p> <ul style="list-style-type: none"> <li>• Explain how disclosure of the existence or non-existence of the record (as opposed to disclosure of the actual contents of the record) would have an effect specified in paragraph (a),(b) or (c) of subsection (1).</li> </ul>
32(3)	<ul style="list-style-type: none"> <li>• Does the record disclose that an investigation for the purpose of the enforcement of any law, or anything done in the course of such an investigation or for the purposes of the prevention or detection of offences or the apprehension or prosecution of offenders, is not authorised by law or contravenes any law?</li> <li>• Does the record contain information concerning the performance of the functions of an FOI body whose functions include functions relating to the enforcement of law or the ensuring of the safety of the public?</li> <li>• Does the record contain information concerning the merits/success or otherwise of any programme, scheme or policy of an FOI body for preventing, detecting or investigating contraventions of the law or the effectiveness or efficiency of the implementation of any such programme, scheme or policy by an FOI body?</li> </ul> <p>If the answer to any of these questions is Yes:</p> <ul style="list-style-type: none"> <li>- what public interest factors in favour of release of the record were considered and what public interest factors against release of the record were considered?</li> <li>- explain why you concluded that, on balance, the public interest would not be better served by granting this request.</li> </ul>