



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2008-04295

**Keyword:** Crime

**Subject:** ANTI-SOCIAL BEHAVIOUR ORDERS

### Request:

Under Section 1.1.B of the Freedom of Information Act 2000, I am formally requesting information relating to Anti-Social Behaviour Orders (ASBOs) and Post-Conviction Anti-Social Behaviour Orders (or CRASBOs) issued by your police force.

I require a comprehensive list, complete with details of names, addresses, date of birth, start date, due date of expiry and terms of the individual ASBO/CRASBO.

Further to Section 8.2.A, I am requesting this information be supplied to me in a digital format (such as a spreadsheet), via an email attachment.

In advance, might I quote from a document on the Information Commissioner's Office web site

[http://www.ico.gov.uk/upload/documents/decisionnotices/2007/fs\\_50123489.pdf](http://www.ico.gov.uk/upload/documents/decisionnotices/2007/fs_50123489.pdf)

"The Commissioner requires the public authority to provide the complainant with a full version of its ASBO database but after redaction of names in those cases where: reporting restrictions were imposed by the court at the original ASBO hearing or at any hearing for breach; the ASBO did not proceed beyond interim status; the public authority is satisfied that the ASBO recipient is particularly vulnerable and would be put at real risk by disclosure; or the ASBO has now expired."

If I could also quote from Section 31 of the same document, "The Commissioner's decision is that the public authority did not deal with the request for information in accordance with the Act." and finally from Section 32:

"The Commissioner requires the Council to provide the complainant with a copy of its ASBO database but after the redaction of names in those cases where: reporting restrictions were imposed by the court at the original ASBO hearing or at any hearing for breach; the ASBO did not proceed beyond interim status; the public authority is satisfied that the ASBO recipient is particularly vulnerable and would be put at real risk by disclosure; the ASBO has now expired; or the names are those of victims, witnesses or other third parties."

Therefore, I look forward to promptly receiving all of the information I have requested on current ASBOs/CRASBOs (including the names and addresses of the people in question), in an electronic format.

**Answer:**

The cost of complying with your request for information would exceed the "appropriate limit" as stated in the Freedom of Information Regulations 2004, which is currently set by the Secretary of State at £450.

Each of the 8 District Command units within the Police Service of Northern Ireland have an ASBO co-ordinator who is responsible for collating data on behalf of both Police and local authorities. There is no standard way of collating data across the districts and I have been advised that some districts may manage excel spreadsheets whereas other will not. I was advised that the spreadsheets in place only contain the bare minimum of data and to be able to answer your request would require a manual search of every file for every individual involved across all districts. These files will contain emails, reports and any other documents relating to a particular person and will have to be viewed from start to finish to extract any information referring to the ASBO.

I would also add that in any event, we would refuse to supply names, dates of birth or addresses for any of the subjects. Such information is exempt under Section 40 of the Act. This exemption applies because the right given under the Act to request official information held by public authorities does not apply to personal data.

We note your observation that the Information Commissioner has found in favour of such disclosure in an individual case, but this decision was subsequently overturned by the Information Tribunal – see their decision at [www.informationtribunal.gov.uk/documents/decisions/camdendecisionfinal.pdf](http://www.informationtribunal.gov.uk/documents/decisions/camdendecisionfinal.pdf) where it can be noted that Camden Council's appeal to the tribunal was upheld and they were not required to release any of the information they had been ordered to disclose by the Information Commissioner.

The Tribunal overturned the ICO decision notice, for a number of reasons, but their main argument was as follows:

ASBOs can last from a minimum of 2yrs and can last up to the lifetime of any person subject to such an order, although a shorter maximum is usual. Although the subjects can reasonably expect to receive local publicity at the time the order is made or immediately after, publicity after that could have a negative impact on the individual concerned and undermine any improvements in behaviour subsequent to the making of the order, and would therefore constitute unfair processing of the data, thus breaching the first principle of the Data Protection Act.

The Police Service of Northern Ireland have also considered whether we can be of any assistance in terms of helping you refine your request to bring it under the cost limit however the nature and structure of the information unfortunately makes this impossible.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

If you have any queries regarding your request or this decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this email.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk).

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that all PSNI replies under Freedom of Information will be released simultaneously into the public domain via our website @ [www.psnipolice.uk](http://www.psnipolice.uk).

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