



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2008-05104

**Keyword:** Crime

**Subject:** RAPES AND ATTEMPTED RAPES IN SOUTH BELFAST

**Request:**

**Locations and times of Rapes and Attempted Rapes committed within South Belfast from the 1/01/07 to the 21/10/08.**

**Answer:**

Your request for information has now been considered and the decision has been taken not to supply the information you have requested.

Section 17 of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

- (a) states that fact,
- (b) specifies the exemption in question and
- (c) states (if not otherwise apparent) why the exemption applies.

The exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

S 30 Investigations and proceedings conducted by the public authority

S 38(1)(a)& (b) - Health & Safety and

S 40(2) Personal Information, of the Freedom of Information Act.

Section 38 is a Prejudiced based exemptions, and this means it is the Public Authority's responsibility to evidence the harm.

Section 30 and 40 are Class based exemptions, and this means that the legislators have agreed there would be harm if this information were released.

Sections 30, 38 and 40 are Qualified exemptions and, therefore, a Public Interest Test must be carried out. Please find both tests listed below.

## **HARM TEST**

Under the Freedom of Information Act (2000) any information released under FOI is released in to the public domain, not just to the individual requesting the information.

Police investigations are conducted with due regard to the confidentiality and privacy of all parties involved, i.e. victims, offender and witnesses. There is an expectation that details provided are to be used only for the purpose for which provided, in this case for the purpose of a criminal investigations into rapes and attempted rapes within South Belfast.

Releasing details, which may lead to the identity of any party may prevent future victims or witnesses of crime from coming forward for fear of identification. This will lead to unreported crime and a loss of confidence in the PSNI to investigate such cases. Underreporting of crime leads to an increase in undetected crime, which has an adverse affect on the community. This may result in individuals not being brought to justice.

The release of this information could also potentially impact on any future rape investigations, it is suggested that as many as 80% of rapes are still unreported. One of the contributing factors to under reporting is the victim's perceptions that they will not be believed. We are seeking to increase reporting to increase detections and secure prosecutions. To publish details of reports may discourage further victims from coming forward, thereby reducing our ability to detect offenders and increasing the risk to the public. As a large percentage of rapes are carried out by people known to the victim providing this information may help identify not only home addresses but victims and offenders too.

## **PUBLIC INTEREST TEST**

### **Factors favouring disclosure**

#### **Accountability**

The information you have requested relates directly to the efficiency and effectiveness of the service and it's officers when investigating alleged rapes.

#### **Human Rights, Morals and Ethics**

The public interest may be served by providing individuals with information of particular reference to them and their situation, for example; information that would assist the applicant to understand the steps taken by the Service when dealing with a rape investigation i.e. procedures.

### **Factors favouring non-disclosure**

#### **Investigations**

The information you have requested falling within the scope of this exemption could cause harm if disclosed, release of this information could potentially impact on any future review and rape investigations as a whole as it would reveal sensitive information known only to the Police, victim and suspect.

#### **Interests of third parties**

Where third party interests might be jeopardised by the release of information that relates to their identity or personal affairs.

#### **Flow of Information to the Service**

A decrease in public confidence may lead to a reduction in support for the police service, victims coming forward, and would deter the public from reporting matters to the police, resulting in victims under reporting matters. This would have a negative impact on the effectiveness and efficiency of the PSNI.

## **BALANCING TEST**

On balance the requirement to withhold information relating to criminal investigations together with personal information, the release of which may effect the health and safety of individuals and jeopardise any future investigations must take precedence over the important issues of accountability and Human Rights, Morals and Ethics. In addition, if PSNI were to release personal data, they would be in breach of the Data Protection Act. At this time, it would not be in the Public Interest to release the information.

If you have any queries regarding your request or the 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 PSNI replies under Freedom of Information may be released into the public domain via our website @ <http://www.psni.police.uk/>

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