



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2008-05222

Keyword: Road Policing

Subject: FIXED PENALTY NOTICES ISSUED IN THE HOLYLANDS AREA, BELFAST ON 18/12/08

Request:

Question 1: How many Fixed Penalty Notices (FPN) were issued in the Holylands area on the 18th November 2008?

Question 2: How many of those FPNs were issued by Officer No. R12019?

Question 3: How many of those FPNs were for the offence of parking within 15 metres of a junction?

Question 4: How many FPNs have been issued by Officer No. R12019 within the last 12 months?

Question 5: What notes / evidence did Officer No. R12019 record on the 18/11/08 in relation to my FPN?

Question 6: What is the religious background of Officer No. R12019?

Question 7: The offence has been recorded as N006, however the PSNI website states that the offence has a reference code of 50.08.068. Could you please explain the difference?

Answer:

I would like to apologise for the delay and I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information.

I have today decided to:

- Disclose questions 1, 2, 3, 4 & 7 in full;
- Neither Confirm nor Deny question 5
- Fully exempt question 6 pursuant to the provisions of section 40 Personal Information.

Answer 1: There were 10 FPNs issued in the Holylands area.

Answer 2: There were 7 FPN issued by the officer.

Answer 3: There were 7 FPNs issued in the Holylands area for the offence Parking within 15 metres of a junction.

Answer 4: The officer issued 21 FPNs within the last 12 months.

Answer 5: The Police Service of Northern Ireland can Neither Confirm Nor Deny that it holds the information relevant to your request. Section 1 of the Freedom of Information Act 2000 places two duties on public authorities. Unless exemptions apply, Section 1(1)(a) is to confirm or deny whether the information specified in the request is held and Section 1(1)(b) is to disclose the information that has been confirmed as being held. Where exemptions apply, Section 17 of the Act requires that the requester be provided with a notice which a) states that fact, b) specifies the exemption(s) applied and c) states why the exemption(s) apply if that would not otherwise be apparent I can advise you, as required by Section 17 of the Freedom of Information Act 2000, that such information, if it were to exist, would reasonably expected to be exempted under Section 40(5) Personal Information.

A disclosure under the Freedom of Information Act is a release of information to the world in general and not an individual applicant. The PSNI would not wish to confirm to the world that an individual had received a fixed penalty notice. Therefore, simply confirming or not that such information were held would disclose personal information about an individual thereby breaching the Data Protection Act.

Answer 6: The information requested is exempted under Section 40(2) Personal Information of the Freedom of Information Act 2000. Section 40 is an Absolute Class-based exemption, which means the legislators have decided that there would be harm in releasing such information. A release of information under the FOI Act is a release to the general public and not an individual applicant. The recording of a person's religious belief is deemed to be sensitive personal data and would be subject to the provisions of the Data Protection Act, which completely inhibits its disclosure. In addition to any Data Protection Act breaches, articles 2,8,9 and 14 of the Human Rights Act are also relevant. Therefore, by releasing such information the articles of the Data Protection Act would be breached which would result in the PSNI being prosecuted. Further to this, the community background information of employees within the PSNI is gathered and retained for monitoring purposes only, in accordance with the Fair Employment (Monitoring) Regulations (NI) 1999. In particular Part III 16(2) of the above Regulations states that it is an offence to disclose the community background information to which this regulation applies or has applied. To release the Community Background information at this level could reveal this sensitive information, and the organisation would then be in breach of the above regulations.

Answer 7: In relation to the code used on the FPN, the N006 number is the code used on the fixed penalty system and corresponds with the 50.08.068 number, which is used for NI Court Service " offence codes ".

Responsibility for the vast majority of parking offences has now transferred to Roads Service Traffic Attendants (TAs). However a number of specific offences became either dually enforceable by police and TAs or remained solely enforceable by police, due to the nature of the offence and the associated road safety concerns. One such offence is parking within 15 metres of a junction. When motorists park in such a position, it causes sightline difficulties for other drivers trying to exit the junction and poses real risks to pedestrians trying to find a suitable place to cross the road, where they can see and be seen by motorists, The Holylands being just one area that suffers from the blight of illegal parking.

It is important to stress that the Police Service of Northern Ireland is a professional policing organisation, which provides a service, which is wholly impartial, and human rights centred. Each officer delivers that service on the basis of his or her professional training.

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 letter.

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.

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 @ www.psni.police.uk

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