



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-01209

Keyword: Crime

Subject: PERSONS OVER 70 CONVICTED OF CRIMINAL OFFENCES

Request and Answer:

Your request for information has now been considered and the decision has been taken not to supply all of 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:

Question 1

For the 2008 calendar year please could you provide me with breakdown of the number of people aged 70 or above who have been charged by your force with a criminal offence? I would be grateful if this list/table could be provided so that it is possible to identify the age and sex of the person and the crime they were charged with.

Answer

The following exemption has been applied.

Section 40(2)(a) and (b) by virtue of Section 40(3)(a)(i), Third Party Personal Information.

I note that your question would require me to release details about individuals which could lead to their subsequent identification, considering the small number of individuals aged over 70 who have been charged with a criminal offence in 2008. This would be a breach of the Data Protection Act and is catered for within Freedom of Information by the exemptions under Section 40(2) as outlined below.

Section 40(2) is a Class-based exemption, therefore it is not necessary to evidence the harm caused by disclosure. The data protection rights of a third party would be breached by disclosure, therefore Section 40(2) is an Absolute exemption and a Public Interest Test is not necessary. This is so because personal data is governed by other law (The Data Protection Act 1998).

All requests made under FOIA are applicant blind. A request must be treated as such and a public authority will always view any disclosure as into the public domain and not just to an individual.

Personal Data is regulated under the principles of the Data Protection Act 1998 and when information contains personal data about a third party it can only be released if disclosure would not breach any of the data protection principles.

Principle 1 is that personal data must only be processed lawfully and fairly. This data was imparted to the PSNI for the purpose of crime recording and investigation. To process this information for any other purpose, i.e. by releasing it under Freedom of Information would be unfair to the individuals concerned and therefore a breach of this principle. Although we cannot supply you with the information you require in its entirety the attached document below contains everything you have asked for except the individual ages, to which the above exemption has been applied.

Question 2

Could you provide me with a similar list/table for 2008 for people aged 70 and above who were given a fixed penalty notice?

Answer

Our Roads Policing Department have advised that although an offender's date of birth is recorded on our systems we are unable to retrieve the information you have asked for. The reason for this is that in order to retrieve this information we would have to manually examine each endorseable ticket issued last year and determine those with dates of birth prior to and including 1938. Last year there were almost 32000 endorseable tickets issued and allowing 3 minutes to retrieve a single ticket this would equate to some 1600 hours to retrieve the information requested which would mean the cost of complying with your request for information would exceed the "appropriate limit" as stated in the Freedom of Information (Fees Regulations 2004), which is currently set by the Secretary of State at £450.

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 regarded as a Refusal Notice in relation to the information not supplied.

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

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.

Number Charged	Gender	Age	Offence
7	Male	72-86	Indecent Assault on Female Assault Occasioning Actual Bodily Harm Gross Indeceny with Child Indecent Assault on Male Child Common Assault Aggravated Assault on Female Threats to Kill Criminal Damage Threats to Damage Property Possessing Offensive Weapon in Public Place Indecent Assault on Female Child