



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2009-02734

**Keyword:** Crime

**Subject:** SEX OFFENDERS RESIDING IN TYRONE

### Request and Answer:

I have decided to;

- disclose records in answer to questions 1 and 2 in full; and
- partially exempt records in answer to question 3; and
- fully exempt records in answer to questions 4, 5 and 6 pursuant to the provisions of Sections 31(1), 38 (1) and 40 (2) of the Act.

### Question 1

Under the Freedom of Information Act, I would like to know, how many sex offenders are currently residing in Tyrone?

### Answer

There are 53 Registered Sex Offenders currently residing in Tyrone. Tyrone is the area comprising Dungannon, Omagh and Cookstown policing areas. For your information; the number of convicted offenders subject to risk assessment and risk management in the community as of the 31st March 2008 by the 29 Police District Command Units, can be found at the below link;

<http://www.publicprotectionni.com/>

However, these figures are the total of all convicted offenders which would include registered sex offenders and potentially dangerous offenders.

### Question 2

How does this number compare to 2008?

### Answer

The total for the same area was 37.

### Question 3

Can I have this broken down into town and District, e.g.: How many live in Strabane District, How many in Omagh and so on?

### Answer

Omagh Policing Area 29  
Dungannon Policing Area 17  
Cookstown Policing Area 7

Strabane policing Area is not part of Tyrone, however the figure we have indicates there are 20 sex offenders living in this area.

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.

Information at town level is low level RSO data and the following exemptions are relevant -

Section 31 (1) (a) (b) (c) Law Enforcement and

Section 38 (1) Health and Safety.

Both of these exemptions are prejudiced based and qualified which means that the legislators have identified that the harm (prejudice) in disclosure as well as the public interest considerations need to be articulated to the applicant.

### Harm and Public Interest Considerations

#### Section 31

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Modern-day policing is intelligence led and in this particular subject area the intelligence changes on a day-by-day basis with RSOs moving from one address to another.

There is a requirement for RSOs to notify the police when they change address, however in the real world this is not always the case. If an RSO is living within a particular town having failed to comply with their requirements under the Sexual Offences Act, to reveal the number of registered sex offenders at town level would make this individual aware whether or not the police are aware of their current whereabouts.

#### Factors favouring Disclosure

Disclosure of the information would provide a better awareness to the public and enable them to take measures in order to protect themselves.

#### Factors favouring Non-Disclosure

Town level RSO data would hinder the prevention or detection of crime by revealing police intelligence.

#### Section 38

The Police Service has a duty of care to offenders living in the community as well as victims. To disclose the number of registered sex offenders at town level could lead to the misidentification of an individual. For example, a gentleman living in a flat in the town of Brookville is the subject of harassment by local youths who refer to him as a 'paedophile'. He has complained to the local police about this harassment.

If a freedom of information request is made asking for RSO data at town level, and the local constabulary confirm there is one living within Brookville, those youths and other members of the community could undertake in vigilante type behaviour in order to drive the gentleman out of his home, when in fact the alleged RSO is a woman living in the town.

#### Factors Favouring Disclosure

Disclosure would lead to a better awareness for the community in relation to this topic area enabling informed public debate to be undertaken.

#### Factors Favouring Non-Disclosure

By revealing information which could jeopardise the safety of an individual the public would lose confidence in the Police Service in their ability to protect the wellbeing of the community.

Disclosure could lead to significant harm being caused to an individual by vigilante type behaviour.

### Balancing Test

Public safety and effective law enforcement is of paramount importance and the Police Service will not divulge information if to do so would place the safety of an individual at risk or undermine the prevention or detection of crime. Therefore, at this moment in time, it is our opinion that for these issues the balancing test for disclosure for question 3 is not made out.

### **Question 4**

What category is each offender (High, medium or low risk)?

### **Answer**

The number of sex offenders by category is published at force level at the link quoted in question 1. The information is not broken down below force level. To do so would be revealing low level Registered Sex Offender data and Section 31(1) (a) (b) (c) and Section 38(1) is engaged as outlined in question 3.

### **Question 5**

The ages of the oldest and youngest of these offenders?

#### **Answer**

To answer this question would require me to release personal details about individuals other than the applicant. Disclosure of the oldest and youngest Registered Sex Offender at town level could lead to the identification of an individual. 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. 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.

### **Question 6**

How many sex offenders in Tyrone have fallen off the PSNI radar over the past 12 months? By this, I mean how many were being monitored but have since slipped through the net and their whereabouts is no longer known to the police?

#### **Answer**

The PSNI is interpreting this question to be asking for the number of registered sex offenders whose whereabouts are unknown which has been provided previously at force level. To break this down further (i.e. to District level) would release low level RSO data and compromise effective law enforcement and health and safety, thereby engaging Section 31(1)(a)(b)(c) and Section 38(1) as outlined in question 3 above.

Under Section 16 Duty to Assist, the force level number of sex offenders whose whereabouts are currently unknown can be released.

In relation to the number of registered sexual offenders whose whereabouts are unknown the Police Service of Northern Ireland, have as of this date, 3 RSOs who are currently recorded as wanted because their whereabouts is unknown. This total is only valid for the date specified because the information is dynamic and will change as arrests are made or new cases come to light through proactive intelligence led policing or routine visits to registered offenders.

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 @ [www.psnipolice.uk](http://www.psnipolice.uk)

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