



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2009-03491

**Keyword:** Operational Policing

**Subject:** BAIL CHECKS - 2009

### Request and Answer:

#### Question 1

Could you confirm how many times over the last six months the Police have attended bailee addresses in Belfast to check their bail conditions.

#### Answer

976 bail checks were performed in Belfast (Districts A and B) during the specified period.

#### Question 2

We would further be grateful if you could provide us with details of how many people have been on bail in Belfast during this period.

#### Answer

Police Service of Northern Ireland systems have no facility for searching for persons who have been released on bail at court with conditions. This process happens outside the police domain. Persons who have bail conditions imposed upon them at court are referred to PSNI's Criminal Records Office by the Northern Ireland Court Service. PSNI's system is then updated by CRO with the details of these persons. However, the record holder has advised that to search for individual updates within the time span specified would be a major undertaking which would take an estimated 100 hours. Therefore the cost of complying with your request for information, including locating it, retrieving and exacting it 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 (18 hours).

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

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.

Please note that as the Northern Ireland Court Service apply bail conditions, they may hold some information relating to your request. You can access their Freedom of Information page using the following link <http://www.courtsni.gov.uk/en-GB/AboutUs/Freedom+of+Information/About+Us+-+Freedom+of+Information.htm> .

#### Question 3

How many times over the past six months have police attended at **XXXXXXXXXX** to check the occupants' bail conditions?

## **Answer**

The PSNI can neither confirm nor deny it holds any information in relation to bail visits at the specified address. To confirm or deny any information is held in relation to this request may endanger the physical or mental health or safety of any individual living at this address. To confirm or deny that these checks may or may not have been carried out will reveal whether this address is the home of someone who is currently or has recently been on bail. This could provoke attacks on the property or on the individual/s therein and potentially disclose their personal data.

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. I can, however, advise you, as required by Section 17 of the Act that such information, if it were to exist, would be reasonably expected to be exempted under;

Section 38 (2) Health and Safety

Section 40 (5)(b)(i) Personal Information

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1 (1) (a) is to confirm or deny whether the information specified in a request is held. The second duty at s1 (1) (b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon section 17 of FOIA requires that we provide the applicant with a notice which: a) states that fact b) specifies the exemption(s) in question and c) states (if that would not otherwise be apparent) why the exemption applies.

Before refusing to comply with the provision of S1 (1) (a) of the Freedom of Information Act, the PSNI also has to analyse any public interest factors in neither confirming nor denying that information is or is not held if any of the exemptions are qualified in nature. Section 38 is a qualified exemption, so the public interest factors below are relevant. Section 40 is an absolute exemption therefore no public interest test is necessary.

### Section 40(5)(b)(i) - Personal Information

This is a class based absolute exemption. In other words, confirming or denying that the information is held must constitute personal data and the release of this data must contravene at least one of the Data Protection Act Principles.

Confirming that this information is held would be revealing to the public at large the personal information of a third party i.e. that they are subject to bail checks. Confirming that no information is held would also be revealing to the world the personal information of the third party i.e. that they are not subject to bail checks. Criminal/disciplinary matters are considered to be confidential with no expectation of release to the world. Confirming or denying that the information is held would therefore be unfair and unlawful and breach the first data protection principle.

A disclosure under Freedom of Information is a release of information to the world in general and not an individual applicant.

No inference can be taken from this refusal that the information you have requested does or does not exist.

### Section 38 (2) Health and Safety.

#### Favouring confirmation or denial

Confirming the existence of information would show that the PSNI are carrying out regular bail visits, which the public would expect, therefore improving public awareness and debate.

#### Against confirmation or denial

The risks to the individual/s at the address would be significant if the existence of this information was confirmed. In addition, there may be a loss in confidence in the PSNI to protect the well being of the community.

#### Balance of Public Interest

The potential harm to individuals living at the property in question outweighs any public benefit in knowing if information in relation to bails checks is held or not held for this address. Public safety is of paramount importance to the policing purpose and must be considered in respect of every confirmation or denial that information is or is not held.

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 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.