



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2010-02897

Keyword: Complaints/Discipline

Subject: Criminal Convictions - Lurgan and Craigavon

Request and Answer:

Question

I would like to know who the names of the 10 oldest people to receive a criminal conviction for violent offences in the past 5 years in the Lurgan and Craigavon area. I would like their date of births, convictions, the punishments they received from the courts, when they appeared in court, when the crime was committed and when the crime was reported.

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:

The information you have requested contains Personal Data which relate to ten individuals who may be identified from this data. Details of the 10 oldest people to receive a criminal conviction for violent offences in the past 5 years in the Lurgan and Craigavon area, details of their crimes and related court appearances and punishments have therefore been exempted pursuant to the provisions of Sections 40 (2) (a) (b) of the Freedom of Information Act.

This is an absolute exemption, which means there is no requirement to consider whether there is a public interest in disclosure. This is so because personal data is governed by other law (The Data Protection Act 1998). There are a number of elements to the Section 40 exemption and the second element is relevant in this instance. It is engaged if the request is for the personal data of someone other than the applicant.

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 refused if disclosure would breach any of the data protection principles.

I examined whether the information you requested is personal data as defined within the provisions of the Data Protection Act and I particularly focused on the following: -

- Does this data relate, focus and be about a living individual?
- Could someone be identified from that data?
- Does the data impact on their privacy either in their work or family life?
- Is the data being processed by the PSNI to learn, record or decide something about an individual?
- As an incidental consequence could you learn something about an identifiable individual?

In this instance I am satisfied the information **is personal data** as it is about living individuals and is about their specific crimes and criminal convictions. If this data were to be released as a public disclosure I have no doubt it would impact on the privacy of the individual concerned in their private life.

As already highlighted, any disclosure under FOIA is a **public disclosure** and release of the personal data of an individual relating to their convictions, would breach principles 1 & 2 of the Data Protection Act 1998.

Principle (1) - that personal data is processed lawfully and fairly. Personal data of this nature is initially imparted and recorded for the purposes of crime recording and processing by the PSNI. It will be treated in a highly confidential manner by dedicated personnel staff. No other member of PSNI staff will have access to this data and any public disclosure will be unlawful if there is a breach of that law of confidentiality.

Principle (2), that personal data is processed for a specific purpose and not further processed in any manner incompatible with that purpose. As previously mentioned, personal data in this instance was gathered and is processed for a specific crime recording purpose. Once personal data has been publicly disclosed, it will in most cases be used for a purpose other than for what it was initially obtained.

These individuals do not expect their personal data to be used for another purpose. If released into the public domain it will be used for a totally incompatible purpose, which could lead to intrusive attention from others.

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.

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.