



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2010-03432

Keyword: Crime

Subject: Crime Statistics

Request and Answer:

Question

Further to my request below, can you now provide all the crimes broken down by type of crime in relation to the 2 locations over the specified periods (7am - 9am and 4pm - 7pm) only?

Previous request - F-2010-03134

I request statistical information of all crimes committed in and around (i) Tomb Street Car Park, Belfast, and (ii) Waterfront Plaza, Laganbank Road, Belfast, during the hours of 7am - 9am and 4pm - 7pm.

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:

Section 40(2)(a)&(b) by virtue of Section 40(3)(a)(i) – Personal Information
Section 31(1)(a)(b)&(c) – Law Enforcement

In relation to the exemption for Personal Information, the statistics produced contain low cell numbers which together with the level of detail requested could lead to individual victims or perpetrators of crime, or individuals involved in other incidents being identified. 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 carrying out investigations. 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.

Section 31, Law Enforcement is a prejudice based and qualified exemption. This means that the Public Authority must outline the harm and consider the public interest in disclosure.

Harm Test

Due to the low cell numbers any one who had been involved in crime or an incident in Tomb Street Car Park, Belfast, and Waterfront Plaza, Laganbank Road, Belfast, during the hours of 7am - 9am and 4pm - 7pm would be able to establish whether the matter had been reported to police and would be able to take action to avoid detection.

Public Interest Test

Factors Favouring Release

To release these statistics in full would inform public debate surrounding current issues in this local area. It would also raise awareness of crime and public safety in the area.

Factors Favouring Retention

Persons involved in crime in that area would be able to use this information to assist them to avoid detection. This would therefore hinder the detection of crime and further, knowledge that such information could be obtained in this way would encourage further crime, therefore hindering the prevention of crime.

Decision

Whilst there are valid reasons for release of this information in line with the reasons for and spirit of the legislation, where such a release has potential to impact on law enforcement issues, making the job of the police more difficult, then the information should not be released and the exemption should be applied.

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.psnj.police.uk

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