



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2010-01333

**Keyword:** Crime

**Subject:** Driving Instructors Without Required Qualifications

### Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland (PSNI) has now completed its search for the information requested and the answers to your questions are as follows.

#### Question

1. How many people have been convicted for operating as driving instructors without the required qualifications or licence in each of the last three years (2007, 2008 and 2009) in 1. Northern Ireland 2. Dungannon and 3. Cookstown

#### Question

2. Please provide a breakdown for what these offences were.

#### Question

- 3 Please state whether they were prosecuted.

#### Question

- 4 If they were not prosecuted, please state the reason given by the court.

#### Question

- 5 Please state whether there are any pending cases with the PSNI, and what area they are in.

#### Question

- 6 Please state whether someone has been prosecuted for such an offence more than once, please disclose how many times.

#### Answer

A search of the PSNI crime recording systems has shown that in Northern Ireland for the last 3 years 2 persons have been processed for the offence "unregistered driving instructor giving lessons for payment". One of these persons was cautioned and the other fined and ordered to pay compensation. I have been advised there are NO cases pending.

With regard to supplying other details about these persons and areas offences occurred in I have today decided to:

- fully exempt this information pursuant to the provisions of section 40 of the Act.

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, as well as the factors the Department considered, is listed below:

Section 40(2)(a)&(b) by virtue of Section 40(3)(a)(i) – Personal Information

In relation to the exemption for Personal Information, the numbers involved are low cell numbers which together with the level of detail requested could lead to individual perpetrators of the crime 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.

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](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.psnj.police.uk](http://www.psnj.police.uk)

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