



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2010-03225

Keyword: Crime

Subject: Incidents Reported to Lurgan Station

Request and Answer:

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information.

I have today decided to:

- exempt information pursuant to the provisions of section 31, 38 and 40 of the Freedom of Information 2000 (the Act).

Question

I would like information of all incidents reported to Lurgan Police Station on Saturday 2 October 2010. The type of incident and the time it was reported.

Answer

Please see table below a list of all incidents types **reported** to Lurgan Police Station on 2nd October 2010.

Alarm
Anti-social behaviour patrol
Assault
Assistance to Council
Bomb scare
Bull loose
Concern for children
Crime Patrol
Domestic dispute
Domestic dispute (person arrested)
Fuel spillage
Noisy Party
Oil theft
Road Traffic Collision
Suspected prowler
Youths causing annoyance

Information regarding the time of each incident has been exempted.

Please note an incident type may have been reported to police more than once on this particular date.

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 31(1) Law Enforcement
Section 38(1)(a)(b) Health and Safety
Section 40(2) Personal Information

Section 40 is a class based and absolute exemption this means that the legislator's have agreed there would be harm if this information were released and so it is not necessary to demonstrate the Harm or carry out a Public Interest Test.

Disclosure under the Freedom of Information is a release of information to the world in general and not just to an individual applicant. Personal data if held by a police service or information provided that could identify an individual should not be disclosed into the public domain and privacy must be respected. Personal data is regulated under the principles of the Data Protection Act 1998 and when information contains personal data about an individual 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. To process this information for any other purpose, i.e. by releasing it under Freedom of Information would be unfair to any relevant individual, and therefore a breach of this principle.

Section 31 and 38 are prejudice based, qualified exemptions and this means it is the Public Authority's responsibility to evidence the Harm and a Public Interest Test must be carried out.

Harm Test

Releasing details of exact times and incidents within Lurgan could possible identify an individual in relation to a certain crime. This would therefore be breaching their personal data and may also jeopardise their health & safety from other community members.

Anyone who had been involved in crime or an incident in Lurgan would be able to establish whether the matter had been reported to police and if they had not been approached, would be able to take action to avoid detection.

Public Interest Test – Section 31

Factors Favouring Release

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

Factors Favouring Retention

Persons involved in crime in this town 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.

Public Interest Test – Section 38

Factors Favouring Release

Releasing the information would promote openness and transparency. The public would be better informed about crime within their town area.

Factors Favouring Retention

Releasing times of incidents on one particular date could potentially identify the individuals involved. This could cause distress to these individuals and their family and could lead to victimisation from other community members therefore jeopardising their health and safety.

Decision

Providing the information of the actual time an incident took place could link the incident with an individual and impact on law enforcement issues, making the job of the police more difficult. 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 could breach the Data Protection Act and impact on the health and safety of an individual(s) and hinder the prevention of crime, the information should not be released and the exemptions 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.psni.police.uk

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