



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2010-01861  
**Keyword:** Crime  
**Subject:** Recorded Convictions

### Request and Answer:

I write in connection with your request for information dated July 7<sup>th</sup>, 2010 outlined as follows:

#### Question

I am looking for a full list of all and any previous convictions recorded against me in Northern Ireland and the UK.

#### Answer

In accordance with the Act, this letter represents a Refusal Notice for this particular request. The Police Service of Northern Ireland (PSNI) can neither confirm nor deny that it holds the information you have requested.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in the request is held. The second duty at Section 1(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.

The PSNI can Neither Confirm Nor Deny (NCND) that it holds the information relevant to your request as the duty in Section 1(1)a of the Freedom of Information Act 2000 does not apply by virtue of the following exemption:

#### Section 40(5)(a) Personal Information

Although this is an Absolute, Class-based exemption, a Public Interest Test is required for the purposes of NCND.

Confirming that this information is held would be revealing to the public at large your personal information i.e. personal convictions recorded against you. Confirming that no information is held would also be revealing to the world your personal information i.e. no personal convictions recorded against you.

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

### **Public Interest Test**

#### For Confirmation or Denial

Confirming or denying whether the PSNI holds this information would lead to a better informed public and a more accountable service in that procedures surrounding action taken by the police with regard to the convictions held would be revealed.

#### Against Confirmation or Denial

To confirm or deny this information would be a breach of the Data Protection Act. It is important to be consistent with the use of NCND whether or not the requested information is held so that no conclusions regarding the existence of the information can be drawn from an NCND response.

### **Decision**

Confirmation or denial of whether the PSNI hold information of this nature would amount to a release of information whether on this occasion or on other occasions where a similar request is made. Whilst the PSNI would always wish to be transparent and accountable, no release under FOI should be made where an individual's data protection rights would be breached. The public interest therefore must favour neither confirming nor denying that the information is held.

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

For your information please find a link to a DAT 1 Subject Access Form which should be completed when requesting personal data:

<http://www.psni.police.uk/dat.pdf>.

It should be noted that the provision of this form is not confirmation that any relevant information is held and that if any is held it may be subject to exemptions under the Data Protection Act.

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.