



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2010-00196

**Keyword:** Crime

**Subject:** Recorded Crimes in Foyle

### Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information.

### Question 1

The number of all recorded crimes in the Foyle PSNI district in the year 2009. Also in each individual case, the type of crime and the location it was committed in.

### Answer

Please see table for the types of crime within the Foyle Area below:

**Table showing Crime Statistics for the Foyle Area**

<b>Crime in Foyle Area</b>	<b>Total</b>
Burglary	601
Criminal Damage	2136
Fraud and Forgery	123
Offences Against the Person	2552
Offences Against the State	101
Other Notifiable Offences	357
Robbery	73
Sexual Offences	167
Theft	1617
<b>Grand Total</b>	<b>7727</b>

I have today decided to:

- exempt information in relation to the locations, pursuant to the provisions of section 30, 38 and 40 of the Freedom of Information 2000 (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 exemptions as well as the factors the Department considered when deciding where the public interest lies are listed below:

**Section 40(2)(3) Personal Data** is an absolute exemption which means that the legislators have agreed that there would be Harm if this information was released.

Your request contains a question that to answer would require me to release street names of where crimes were committed and relates to locations of those involved. There is the potential that disclosure of these details could identify the individuals involved. For example, if a sexual offence on a female is identified on a particular street/road and from another information source there is only one female living on the street/road, the identity of the female could be disclosed. 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 above.

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 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 30(1)(2) Investigations and Proceedings conducted by Public Authorities** is a qualified, class based exemption and it is the Public Authority's responsibility to carry out a Public Interest Test.

### **Public Interest Test**

**For Release** - Release of this information may further the interest of justice as it would improve the public's knowledge and thereby encourage the participation of members of the public in the investigatory process.

**For Retention** - Release of this information into the public domain, naming streets where lesser numbers of crimes are reported may lead to alerting the perpetrator of one or more of those crimes that an investigation is ongoing and he or she may take measure to prevent detection which would not have been taken without that knowledge.

**Section 38(2) Health & Safety** is a qualified, prejudice-based exemption and it is the Public Authority's responsibility to evidence the harm and to carry out a Public Interest Test.

## **Harm Test**

As with all information supplied at individual record level there is always a risk of disclosure. In this request, some streets may only have one building or house. There could be potential harm where the offence is of a sensitive nature e.g. sexual offence.

## **Public Interest Test**

**For Release** - Release of this information would lead to better informed public awareness and debate.

**For Retention** - Release of this information would be likely to risk the health & safety of individuals involved. This information may help identify an individual to an offence and where the offence is of a sensitive nature, may lead to intimidation or violence towards this individual.

## **Decision**

There is always a strong interest in the accountability of the service particularly in relation to crimes within a community, and the community awareness of crimes committed within their area. Balanced against this I have taken into consideration the likelihood of an ongoing investigation being compromised and the subsequent harm that could be caused to individuals identified and therefore I have decided not to release the locations to where the particular crimes were committed.

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.psnipolice.uk](http://www.psnipolice.uk)

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