



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2010-03561

Keyword: Operational Policing

Subject: Missing Female

Request and Answer:

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

I have today decided to:

- disclose records in relation to questions 1, 3, 4, 9, 13 and 16 in full; and
- fully exempt records in relations to questions 2, 6, and 7 pursuant to the provisions of section 40 of the Act; and
- neither confirm nor deny that it holds the information requested in questions 8, 10, 11 and 12.

Please also note;

- no information is held in relation to questions 5, 14 and 15; and
- question 17 is not a valid request for information.

Question 1

Freedom of Information request regarding missing female XXXXXXXX, name may be XXXXXXXX (surname), as reported in the front page of Carrickfergus Times as a Crimestoppers appeal sometime between 1st Oct 2010 - 1st Dec 2010.

When did the female first go missing? Exact day, month and year required.

Answer

The female went missing on 1st November 2010.

Question 2

Who reported the female missing? Eg family member, work colleague etc.

Answer

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 when deciding where the public interest lies, are listed below:

Section 40 (2) Personal Information

The information you have requested contains Personal Data which relate to individuals who may be identified from this data. Details of a missing person's disappearance and reappearance have therefore been exempted pursuant to the provisions of Sections 40 (2) (a) (b) of the Freedom of Information Act.

This is an absolute exemption, which means there is no requirement to consider whether there is a public interest in disclosure. This is so because personal data is governed by other law (The Data Protection Act 1998). There are a number of elements to the Section 40 exemption and the second element is relevant in this instance. It is engaged if the request is for the personal data of someone other than the applicant.

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 refused if disclosure would breach any of the data protection principles.

I examined whether the information you requested is personal data as defined within the provisions of the Data Protection Act and I particularly focused on the following: -

- Does this data relate, focus and be about a living individual?
- Could someone be identified from that data?
- Does the data impact on their privacy either in their work or family life?
- Is the data being processed by the PSNI to learn, record or decide something about an individual?
- As an incidental consequence could you learn something about an identifiable individual?

In this instance I am satisfied the information **is personal data** as it is about a living individual. If this data were to be released as a public disclosure I have no doubt it would impact on the privacy of the individual concerned in their private life.

As already highlighted, any disclosure under FOIA is a **public disclosure** and release of the personal data of an individual would breach principles 1 & 2 of the Data Protection Act 1998.

Principle (1) - that personal data is processed lawfully and fairly. Personal data of this nature is initially imparted and recorded for the purposes of investigating a missing person and is processed by the PSNI. It will be treated in a highly confidential manner by dedicated personnel staff. No other member of PSNI staff will have access to this data and any public disclosure will be unlawful if there is a breach of that law of confidentiality.

Principle (2), that personal data is processed for a specific purpose and not further processed in any

manner incompatible with that purpose. As previously mentioned, personal data in this instance was gathered and is processed for the specific purpose of investigating a missing person. Once personal data has been publicly disclosed, it will in most cases be used for a purpose other than for what it was initially obtained.

Individuals involved in the investigation, or who assisted with the investigation, do not expect their personal data to be used for another purpose. If released into the public domain it will be used for a totally incompatible purpose, which could lead to intrusive attention from others.

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.

Question 3

What date did police request that Crimestoppers become involved?

Answer

Police did not request that Crimestoppers become involved. Following consultation a press release was issued by the PSNI's Department of Media and Public Relations on 2nd November 2010. The Crimestoppers number was included at the bottom of the press release. As part of a long-standing agreement with Crimestoppers, the telephone number is used on appeals for information to inform the public they can come forward with information anonymously and do not have to contact the police directly if they do not wish to do so. While the number is not normally included on a missing person appeal, it was done so in this case in error.

Question 4

Did the PSNI get Crimestoppers to publish the request for information in the Carrickfergus Times only?

Answer

The appeal for information by PSNI which included the Crimestoppers telephone number was forwarded to all local newspapers including the Carrickfergus Times and also several radio and television stations. The PSNI do not record which newspapers choose to publish press releases.

Question 5

How many police hours have been spent looking for the missing female who was claimed to go missing after leaving work in Carrickfergus?

Answer

Searches were conducted which failed to locate records or documents to the level of detail outlined in your request and based on the information you have provided.

Several different units were involved in the investigation, including CID, the Neighbourhood Policing Team, Response and a search advisor. To provide an answer would require researching and calculating a large amount of information from each of the units and from additional officers and staff involved.

As none of this information has previously been collated, this would amount to creating new information for the purposes of this request. Freedom of Information legislation does not require public authorities to create new information in order to answer a request. Nor does it require public authorities to provide estimations or approximations. Accordingly, I have determined that the Police Service of Northern Ireland does not hold the information to which you seek access.

Question 6

On what day and date did the missing female turn up?

Question 7

What explanation did the missing female give as to where she went?

Answer

Please see response to question 2 above.

Question 8

Have any charges been made by the PSNI if a person was involved in XXXXXXXX's disappearance?

Answer

In accordance with the Act, this letter represents a Refusal Notice for this part of your request. The Police Service of Northern Ireland 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 Police Service of Northern Ireland (PSNI) can Neither Confirm Nor Deny 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 exemptions:

Section 40(5)(b)(i) – Personal Information

This exemption applies because all releases under FOI are releases into the Public Domain. The requested information, if held would relate to the particular incident and therefore in turn would amount to personal information about an individual involved. Simply to confirm the existence of the requested information would amount to a release of personal information about an individual into the public domain. This would be unfair to that individual and would therefore be a breach of the Data Protection Act.

Although Section 40 is an Absolute and Class Based exemption, it is necessary to consider the public interest for the purposes of confirming or denying the existence of the requested information.

Public Interest Test

Factors Favouring Confirmation or Denial

Confirmation or Denial of the existence of the requested information would aid transparency in that the public would have a better understanding of details surrounding the incident.

Factors Against Confirmation or Denial

Confirming or denying the existence of the requested information would contravene the first principle of the Data Protection Act which states that personal data shall be processed fairly and lawfully and that a public authority must handle people's personal data only in ways that they would reasonably

expect balanced against the reasonable expectations of the public interest.

Balance Test

Confirmation or denial of whether the PSNI hold this information would amount to a release of information whether on this occasion or on other occasions where a similar request is made. 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. Not only would this be a breach of Data Protection legislation by the PSNI, but it would also leave the PSNI open to action against it by any individuals concerned. The Public Interest therefore must favour neither confirming nor denying that the information is held.

None of this however, should be taken as conclusive evidence that the information you requested exists or does not exist.

Question 9

Did XXXXXXXX return safe and inform the PSNI on her return?

Answer

Yes. PSNI released a statement to the press on 03/11/10 to say that the said person had been located safe and well.

Question 10

Has anyone been charged with wasting police time? XXXXXXXX etc?

Question 11

Did the PSNI decide not to charge anyone due to concerns for the person's mental health?

Question 12

Did the PSNI caution anyone, eg the missing female on her return, for wasting police time?

Answer

Please see the answer to question 8 above.

Question 13

Is the female in the Crimestoppers campaign for information no longer registered as a missing person by the PSNI?

Answer

The female was located safe and well. She is no longer registered as a missing person.

Question 14

How much money was spent in the investigation of the missing female by the PSNI at Newtownabbey including police overtime etc?

Answer

Please see the response to question 5 above.

Question 15

What newspaper or newspapers (please list papers and dates) declared she had returned.

Answer

The PSNI released a statement to the press on 03/11/2010 at 0715 hours stating the female had been located. PSNI do not record which newspapers choose to publish press releases. Accordingly, I have determined that the Police Service of Northern Ireland does not hold the information to which you seek access.

Question 16

Does the police use the charity Crimestoppers to highlight a missing person in a local newspaper? When the person reappears does the PSNI choose to block any newspaper coverage?

Answer

The Department of Media and Public Relations issue press releases in relation to missing people, not Crimestoppers. Once a person has been located the Department of Media and Public Relations then issue a line to the media to cancel the appeal. In this case the press office put out a press release stating the missing person had been located.

Question 17

Does the police believe in freedom of the press?

Answer

This part of your request takes the form of a question, which is seeking a member of the Service to express an opinion, and as such this is not a valid request for recorded information held by the Police Service of Northern Ireland.

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.