



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2011-03315

**Keyword:** Operational Policing

**Subject:** Brothels in Foyle District

### Request and Answer:

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

I have today decided to:

- disclose information in response to question 1 in full;
- fully exempt information in response to questions 2, 3, 4 and 5 pursuant to the provisions of Sections 30 and 40 of the Act.

### Question 1

How many brothels or suspected were raided in the Foyle PSNI district area during the period September 2009 to September 2011?

### Answer

Five raids on suspected brothels took place during this period.

### Question 2

On what dates did the raids take place?

### Question 3

What were the addresses of the properties raided?

### Question 4

What items were taken away from the properties?

### Question 5

What, if any, were the number and age of people arrested as part of the operations?

### Answer

Section 17(1) 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 30 (1) (a) (b) and (c) - Investigations and Proceedings conducted by Public Authorities  
Section 40 (2) (a) and (b) by virtue of Section 40 (3) (a) (i) – Personal Information

Section 40 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 data protection principles.

Any disclosure under FOIA that could identify individuals will breach principles 1 and 2 of the Data Protection Act 1998. To release addresses where raids on suspected brothels were carried out and the dates that these took place could lead to the identification of offenders or innocent people who now live at those addresses.

Principle (1), that personal data is processed lawfully and fairly. Personal data of this nature is initially imparted and recorded for the purposes of investigations. It must be treated in a highly confidential manner and any public disclosure would be unlawful if there is a breach of that law of confidentiality.

Any disclosure of information which would lead to identification of innocent parties who may now live at these addresses would breach the first principle of fairness.

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 processed for a specific purpose. Once personal data has been publicly disclosed, it will in most cases be used for a purpose other than what it was initially obtained for. Individuals who live at addresses where raids have been carried out will certainly not want their personal data to be used for any other purpose. Individuals arrested in connection with the raids will also have the expectation that their personal data will be processed in a confidential manner.

To provide the information requested combined with any other information already released into the public domain on this subject, may assist in identifying individuals and personal data relating to them which would place PSNI in breach of the DPA 1998. The Service has a duty to protect the personal data of all individuals.

Section 30 is a class based exemption. The information must fit into the class of information covered by this exemption. This means that it is not necessary to consider the harm in releasing the information. It is also a qualified exemption which means that it is necessary to consider the public

interest.

## **Public Interest Test**

### **Factors Favouring Release**

The public have a right to know that investigations into brothels are conducted properly and public funds are being used satisfactorily. Release would make the public more aware of this type of crime in the area which could lead to more information being reported.

### **Factors Favouring Retention**

There is currently an ongoing investigation in relation to the raid on one of the suspected brothels. Releasing the requested information would prejudice this investigation and undermine an individual's right to a fair trial.

### **Decision**

There is a very strong argument for the non disclosure of the information requested. This is the prejudicial effect that release would have on an ongoing investigation. To disclose this information would affect the PSNI's future law enforcement capabilities and hinder the prevention and detection of crime.

The police service will never disclose information that could undermine an individual's right to a fair trial, unless the public interest in doing so is more powerful than that risk. In this case, however, the public benefits in disclosure are overcome and the balance falls in favour of non disclosure.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice and the request has therefore been closed.

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.