



## FREEDOM OF INFORMATION REQUEST



**Request Number:** FOI 2011 02655

**Keyword:** Crime

**Subject:** Retention of Human Organs/Tissues re Murder Victims

### Request and Answer:

Could I have the following under Freedom of Information:

Question 1.

In the last ten years how many organs/human tissues etc have been retained from murder victims for evidential purposes by police? That is from January 1, 2000 to August 8th, 2011.

Question 2.

Please give names of victims?

Question 3.

If that cannot be done please give date of murders? Or, just the number of murders will do?

Question 4.

If possible please state the types of organs/human tissues retained?

Question 5.

How many families have been told this has been done?

Question 6.

How many have not?

Question 7.

How many are police in the process of contacting to tell them.

Answer

Your request for information has now been considered and the decision has been taken not to supply the information you have requested.

Section 17 (1) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland (PSNI), 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:

#### Qualified Exemption

##### Section 22 (1) Information intended for future publication

Under Section 22 (1) Information intended for future publication, of the Freedom of Information Act the Police Service of Northern Ireland (PSNI) is not obliged to disclose information that is held with a view to its publication at some future date.

As the intention to publish the information has been documented within the Management of Human Tissue Retention Audits Communications Strategy, pursuant to the provisions of Section 22 (1) of the Freedom of Information Act 2000 it has been decided to refuse access to the information you have requested.

Section 22 is a qualified class based exemption so therefore the PSNI is obliged to carry out a Public Interest Test.

#### Section 22 Factors favouring Disclosure

To show that the PSNI are open and transparent in relation to this matter.

#### Section 22 Factors favouring non – disclosure

The publication date is imminent.

#### Balance

Disclosure would disrupt the said strategy which is designed to provide the public with an accurate and comprehensive insight into the outcome and findings compiled as a result of the audit. This factor heavily outweighs disclosure of the information at this time.

If you have any queries regarding your request please write or contact the Freedom of Information Team on 028 9070 0164. Please remember to quote the reference number listed above in any future communications with the Freedom of Information Team.

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.psni.police.uk](http://www.psni.police.uk)

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