



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-00484

Keyword: Crime

Subject: Paramilitary Style Shootings

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 questions 1 and 3 in full;
- disclose information in response to questions 2 and 4 pursuant to the provisions of Section 40(2)(a)(b) by virtue of S40(3)(a)(i) and Section 30(1)(a)(b)(c) of the Freedom of Information 2000 (the Act);

Question 1

State the number of paramilitary-style shootings reported to PSNI during 2010. Please provide a breakdown by policing area/DCU (eg Fermanagh, Lisburn, North Belfast).

Question 3

State the number of paramilitary-style shootings reported to PSNI during 2009. Please provide a breakdown by policing area/DCU.

Answer

Please see the tables at the end of this correspondence detailing paramilitary style shootings in 2009 and 2010 broken down into Districts and areas.

Question 2

In each incident, please state the date and if someone was arrested, charged, cautioned etc. (e.g. February 1 2010, North Belfast, one person arrested, one person charged; February 2 2010, Armagh, no arrests).

Question 4

In each incident, please state the date and if someone was arrested, charged, cautioned 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 exemptions, as well as the factors the Department considered is listed below:

Section 40(2)(a)(b) by virtue of S40(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).

Your request contains questions that to answer would require me to release personal details about individuals other than the applicant. The exemption at Section 40 applies to the incident dates. To provide this information would amount to releasing personal information relating to the individuals involved ie that the individual was subject to a paramilitary style attack on a particular date. 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 below.

To explain this further; 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:

Any disclosure under FOIA that could highlight data relating to the victim of a crime will breach principles 1 & 2 of the Data Protection Act 1998.

Principle (1) states that Personal Data shall be processed fairly and lawfully. This data was imparted to the PSNI for the purpose of crime recording and investigation. To process this information for any other purpose ie releasing it under Freedom of Information would be unfair to the individuals concerned and therefore a breach of this principle.

Additionally, there is the potential to identify someone from the data either through a comparison of what is already in the public domain or as an incidental consequence. There is a risk that releasing the information as part of this request could be used in conjunction with what is already known and assist the identification of those arrested.

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 a specific purpose. Once personal data has been publicly disclosed, it will in most cases be used for a purpose other than it was initially obtained. The individuals involved will have the expectation that this information will be processed in a confidential manner and will not expect their personal data to be used for another purpose.

A disclosure under the Freedom of Information Act is a release of information to the world in general via the PSNI website, not just to the individual applicant.

The information you have requested in relation to arrests and charges is exempt from disclosure under the Freedom of Information Act 2000. The exemption applicable is as follows:

Section 30 – Investigations and Proceedings Conducted by Public Authorities is a class based qualified exemption and therefore a Public Interest Test must be carried out.

The first part of the exemption covers information which “has at any time been held” by a public authority for any of the following purposes:

- a) Investigations into whether a person should be charged with an offence, or whether a person charged with an offence is guilty of it.
- b) Investigations which may lead the authority to initiate criminal proceedings which it has the power to conduct
- c) Criminal proceedings which the public authority has the power to conduct.

Under the Freedom of Information Act 2000 any information disclosed is released into the public domain not just to the individual requesting the information. Police investigations are conducted with due regard to the confidentiality and privacy of any persons involved. Releasing this information could prejudice any prosecution or criminal proceedings.

PUBLIC INTEREST TEST

Section 30 (1)(a)(b)(c)- Factors Favouring Release

There is a general public interest in the way that police work and for public bodies to be accountable for their actions. Information, which enables the efficiency and effectiveness of a force to be scrutinised, will be of benefit to the community. Release will reassure the public that those responsible for this type of crime are detected and punished.

Section 30 - Factors Favouring Retention

Police investigations are conducted with due regard to the confidentiality and privacy of any persons involved. Releasing arrest details could compromise any investigation or possible prosecution.

Decision

Having considered the above I have decided that this information should not be disclosed. Disclosing the details of the incident could compromise any investigation and/or the outcome of any possible prosecution.

All requests made under FOIA are applicant blind. A release under the FOI Act is a release into the public domain via the PSNI website, not just to the individual applicant.

However, under Section 16 of the FOI Act, Duty to Assist, I can confirm that;

In 2009 there were 5 arrests and 1 charged and;
In 2010 there were 11 arrests and 5 charged.

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.psnj.police.uk

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

Casualties as a result of paramilitary style shootings by Area and District

2009

Area/District	2009 PS shootings
North Belfast	6
West Belfast	13
A District Total	19
East Belfast	-
South Belfast	-
B District Total	-
Ards	-
Castlereagh	-
Down	1
North Down	-
C District Total	1
Antrim	-
Carrickfergus	-
Lisburn	4
Newtownabbey	-
D District Total	4
Armagh	1
Banbridge	-
Craigavon	1
Newry and Mourne	-
E District Total	2
Cookstown	-
Dungannon	-
Fermanagh	-
Omagh	-
F District Total	-
Foyle	15
Limavady	-
Magherafelt	-
Strabane	-
G District Total	15
Ballymena	-
Ballymoney	-
Coleraine	-
Larne	-
Moyle	-
H District Total	-
NI Overall	41

Casualties as a result of paramilitary style shootings by Area and District

2010

Area/District	2010 PS Shootings
North Belfast	5
West Belfast	9
A District Total	14
East Belfast	-
South Belfast	-
B District Total	-
Ards	-
Castlereagh	-
Down	-
North Down	-
C District Total	-
Antrim	-
Carrickfergus	-
Lisburn	8
Newtownabbey	-
D District Total	8
Armagh	1
Banbridge	-
Craigavon	3
Newry and Mourne	2
E District Total	6
Cookstown	-
Dungannon	-
Fermanagh	-
Omagh	-
F District Total	-
Foyle	6
Limavady	-
Magherafelt	-
Strabane	3
G District Total	9
Ballymena	-
Ballymoney	-
Coleraine	-
Larne	-
Moyle	-
H District Total	-
NI Overall	37