



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2011-02656

**Keyword:** Crime

**Subject:** Children Too Young To Be Prosecuted For Sexual Offences

### Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information and the answers to your questions are as follows.

#### Question 1

In the last three years, calendar breakdown January 1, 2009 to December 31, 2009, January 1 2010 to December 31 2010, from January 1, 2011 to August 8th, 2011...how many children aged nine and under, were too young to be prosecuted for sexual offences.

#### Question 2

By sex crimes, I mean indecent assault, sexual assault, rape, attempted rape etc, everything under the umbrella of what is deemed to be a sexual assault.

#### Question 3

Please give a breakdown for each year, the offence, and age of child.

#### Answer

I have been advised that the statistics requested are recorded on our database under the category of 'sexual' and as such cannot be broken down into indecent assault etc as requested.

Statistics of reported sexual incidents alleged to have been carried out by children aged 9 years and under are

4	for 2009
2	for 2010
0	for 2011

These records relate to children who are below the age of criminal responsibility and as such cannot be interviewed under PACE to establish the facts of what has taken place, therefore we cannot say whether the evidence would have been sufficient to support a prosecution, had they been over 10 years of age.

The information is not recorded as offence behaviour, rather the children have been reported as being involved in such behaviour. They are recorded under the category of sexual incidents but are likely to have involved inappropriate touching, possibly indicating that the children themselves

may have been victims of sexual assault, therefore they are extremely vulnerable.

The statistics are of a low level and because of the possibility of vulnerable children being involved I have exempted information with regard to the breakdown of ages pursuant to the provisions of Section 40 of 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 exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

#### Section 40(2)(a) and (b) by virtue of Section 40(3)(a)(i) – Personal Information

Some of the requested information has resulted in the retrieval of low cell value statistics. To release the information with regard to ages would amount to releasing sensitive personal information relating to individuals. 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).

Although names are not being released the figures are relatively small and relate to young children which linked with other information available is likely to mean that the identification of individuals, victims or perpetrators, would be possible. This would therefore amount to releasing sensitive personal information relating to these individuals, ie that they were involved in some way in alleged sexual incidents. 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).

Section 40(2) is a Class-based exemption, therefore it is not necessary to evidence the harm caused by disclosure. Section 40(2) is also an Absolute exemption and a Public Interest Test is not necessary.

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

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