



FREEDOM OF INFORMATION REQUEST



Request Number: F 2011 01524

Keyword: Crime

Subject: Yearly statistics relating to threat to life notices

Request and Answer:

Under the terms of the Freedom of Information Act, I would like to request

Question 1

Yearly statistics relating to threat to life notices, specifically the number of PM1 and TM1 forms issued by the PSNI in the last five years.

Question 2

If possible, I would like these broken down by geographic area please.

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 information in response to question 1 in full and fully exempt information in response to question 2 pursuant to the provisions of Section 40(2) Personal Information, Section 31(1)(a)(b)(c) Law Enforcement and Section 38(1) Health and Safety) of the Act.

Answer 1

The figures below are the number of PM1 and TM1 forms issued by the PSNI in the last five years.

2006 = 1614

2007 = 1999

2008 = 2020

2009 = 2617

2010 = 2320

2011 = 545 (to May 2011)

Answer 2

Section 17 (1) of the Freedom of Information Act 2000 requires the 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 exemptions, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Absolute Exemption
Section 40(2) Personal Information

Qualified Exemptions
Section 31(1)(a)(b)(c) Law Enforcement
Section 38(1) Health and Safety

Section 40 is an absolute exemption and does not require the public interest or harm to be evidenced and articulated to the applicant.

Sections 31 and 38 are prejudice based qualified exemptions which means that the legislators have identified that the harm (prejudice) in disclosure as well as the public interest considerations need to be evidenced and articulated to the applicant.

HARM

The release of information under FOI is a release of information to the world and not just to you the individual. The geographical size of Northern Ireland is reasonably small and therefore to release information would have an impact on our core policing objectives i.e. to prevent and detect crime. Thus breaching the PSNI's law enforcement techniques, methods and tactics.

Disclosure has the possibility of increasing the risk of persons who have had either a PM1 or TM1 issued to them being identified. From the release of the requested information in question 2, those involved in criminality could be likely to draw a meaningful conclusion from a breakdown of the number of PM1 and TM1 forms issued by the PSNI in the last five years, if it was broken down by geographic area. This, coupled with any information already known could lead to the identification of an individual and could place the individual at risk. The slightest indication or evidence confirming, to those involved in criminality, that their suspicions would be enough for them to justify taking unlawful action against individuals who have been issued with a PM1 or TM1 threat to life notice. In some cases this may lead to intimidation or in extreme cases murder. This argument is further confirmed by the current threat level in Northern Ireland which currently is SEVERE.

Section 40(2) Personal Information

Public authorities are in general, exempt from the Act's duty to provide access to 'personal data' (as defined in the Data Protection Act 1998).

Where an application for information is made by someone other than the 'data subject' disclosure of that information will often constitute a breach of the 1st principal of the Data Protection Act i.e. that data is fairly and lawfully processed, and consequently the public authority will be exempt from its duties under the Act as a result of Section 40 (2).

Public Interest Test considerations

Section 31 factors favouring disclosure

The release of information in relation to the number of PM1 and TM1 forms issued by the PSNI in the last five years, broken down by geographic area by the PSNI may be of interest to the public. The actions of the PSNI, particularly in relation to crime detection require an appropriate application of legislation.

Factors favouring non-disclosure

The Police Service has a duty to deliver effective law enforcement ensuring the prevention and detection of crime, apprehension or prosecution of offenders and administration of justice is carried out appropriately. For this reason it is considered that the release of the number of PM1 and TM1 forms issued by the PSNI in the last five years broken down by geographic area is better served by non disclosure as to reveal this level of detail, no matter how generic, would compromise effective law enforcement issues.

Section 38 Health and Safety

Factors favouring disclosure

Release of the requested information would lead to better informed public awareness and debate.

Factors favouring non-disclosure

Public safety is of paramount importance to the PSNI and must always be considered so that the PSNI would not wish to endanger the health and safety of any individual by causing them distress or anxiety. By releasing information in relation to question 2, could lead to individuals being distressed and their own and family's safety endangered by persons involved in criminality intent on taking action against an already vulnerable person. The PSNI has a duty of care to the community we serve, to release information which could lead to an individual's safety being jeopardised would result in a loss of confidence in the way information is used. As already outlined in the HARM, the threat level in Northern Ireland is SEVERE.

Balancing Test

On balance it is not in the public interest to release the information in relation to question 2 as outlined in the above HARM and Public Interest Test.

In accordance with the Freedom of Information Act 2000, in relation to question 2 this letter should be considered as a Refusal Notice, and therefore this part of your request has therefore been closed.

If you have any queries regarding your request or the decision please do not hesitate to contact 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.psnipolice.uk

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