



FREEDOM OF INFORMATION REQUEST



Request Number: F-2012-00112

Keyword: Crime

Subject: Arrest Warrants

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 2 to 4 in full;
- fully exempt information in response to question 1 pursuant to the provisions of Sections 38 and 40 of the Act.

Question 1

Refined request. F-2011-04253 previous request.

Please limit the request to the 10 oldest arrest warrants.

For each case, please disclose the name of the individual.

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 38 (1) (a) (b) – Health and Safety

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

Section 38 Health and Safety is a prejudiced based exemption which means that the PSNI must demonstrate that it is satisfied that to release the information would be likely to endanger the physical or mental health of any individual.

It is also a qualified exemption which means that the PSNI must consider the balance of the public interest in releasing the information against the public interest in withholding it.

A summary of the Harm and Public Interest Test considerations for Section 38 is provided below:

Harm Test

Section 38

The identity of these persons is not already in the public domain. Disclosure of the names of persons could put these individuals at risk and impact on their safety. Dissidents regularly carry out punishment attacks on individuals believed by them to be involved in certain activities. In addition, there may be more than one person with the same name, so there is a risk of a person being misidentified.

Public Interest Test

Factors Favouring Release - Section 38

Releasing the information would promote openness and transparency. The public would be better informed about individuals with outstanding arrest warrants and may be able to assist police with information regarding their whereabouts.

Factors Favouring Retention - Section 38

Releasing the names of individuals wanted would assist terrorists and criminal elements to carry out attacks on these persons or individuals with the same name who have been misidentified. Therefore release of this information would be likely to place members of the public at risk.

Decision

I have determined that the release of individuals with outstanding arrest warrants into the public domain would not be in the public interest. When it comes to the balance of the risk of attack to any member of the public versus accountability, the decision under FOI will always fall in favour of withholding any information that would be likely to cause such a risk. The safety of individuals is of paramount importance and the PSNI will not divulge any information which could put lives at risk.

Section 40 Personal Information 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 of the data protection principles.

Principle 1 is that personal data must only be processed lawfully and fairly.

Individuals are entitled to protection under the Data Protection Act 1998. The Service would be failing in its lawful duty were it to breach the Data Protection Act in order to furnish a disclosure under the Freedom of Information Act 2000. The Service has a duty to protect the personal data of all individuals. Therefore, in all the circumstances of the case, the public interest in maintaining the

exemption outweighs the public interest in disclosing the information.

Question 2

The date the warrant was issued.

Question 3

The reason for the arrest eg nature of the alleged offence.

Question 4

Why the warrant is outstanding eg individual failed to attend court/failed to turn up at police station to answer police bail.

Answer

Please see the table below which contains details of the 10 oldest outstanding arrest warrants.

Issue Date	Reason for Arrest	Reason Why Warrant is Outstanding
04/03/1994	Possession of Controlled Drugs/Possession with intent to supply	Failed to appear in court
26/01/1995	Failure to Appear in Court	Failed to appear in court
23/02/1996	Dangerous driving/Excess Alcohol	Failed to appear in court
08/05/1996	Theft	Failed to appear in court
19/06/1996	Obstructing Police/Driving whilst disqualified/No Insurance	Failed to appear in court
04/11/1996	Theft	Failed to appear in court
17/01/1997	Theft	Failed to appear in court
17/01/1997	Obtaining services by deception/Going equipped/Cultivating cannabis	Failed to appear in court
05/02/1997	Disorderly Behaviour	Failed to appear in court
21/02/1997	Driving whilst disqualified/No Insurance	Failed to appear in court

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.psnipolice.uk

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

confidentiality.