



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2012-02555

**Keyword:** Crime

**Subject:** Reported Crime in Lisburn

### 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 pursuant to the provisions of Section 40(2)(a)&(b) by virtue of Section 40(3)(a)(i) and Section 31(1)(a)&(b) of the Freedom of Information Act.

### Question

The residents and myself would like to know the reported incidents of crime in Ballymacash Park and Ballymacash Drive, Lisburn BT28 3EX in the 3 years before 1st July 2009 and from the 2nd July 2009 until the present.

A breakdown of the number of incidents and type of incident between these dates would be needed.

### 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 exemptions, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 40(2)(a)&(b) by virtue of Section 40(3)(a)(i) – Personal Information  
Section 31(1)(a)&(b) – Law Enforcement

The information you have requested has resulted in the retrieval of statistics containing low numbers. To release this information would be a breach of the Data Protection Act and is catered for within Freedom of Information by the exemption under Section 40(2) of the FOIA.

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). **A disclosure under the Freedom of Information Act is a release of information to the world in general and not just to an individual applicant.**

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 data protection principles.

Principle (1), that personal data is processed lawfully and fairly. Personal data of this nature is recorded and it must be treated in a highly confidential manner and any public disclosure would be unlawful if there is a breach of that law of confidentiality.

The Service has a duty to protect the personal data of all members of the public and any disclosure of this type of data into the public domain would be unfair to the individuals concerned. Releasing a breakdown of the incidents in this specific area has the potential to identify those persons involved. 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 by disclosing information under the Freedom of Information Act 2000.

Section 31, Law Enforcement is a prejudice based and qualified exemption. This means that the Public Authority must outline the harm and consider the public interest in disclosure.

### **Harm Test**

Due to the low level statistics any individual who was involved in crime in this specific area would be able to establish whether the matter had been reported to police and would therefore be able to take action to avoid detection.

### **Public Interest Test**

#### Factors Favouring Release – Section 31

To release a breakdown of the incidents would inform public debate in this area of Lisburn. It would also raise awareness of crime and public safety in the area. The public have a right to expect transparency and accountability.

#### Factors Favouring Retention- Section 31

Individuals involved in crime in this area would be able to use this information to avoid detection therefore hindering the detection of crime. Disclosure would better inform criminals that such information could be obtained in this way, therefore hindering the prevention of crime.

### **Decision**

Although there is a public interest in crimes within residential areas, disclosure of the number and types of incidents containing low level data in a specific area has the potential to identify individuals involved. The PSNI will not divulge information where disclosure would breach the Data Protection Act. The PSNI has a duty to fulfil its law enforcement function and disclosure of this information could hinder the detection and prevention of crime. In conclusion, the release of information which could identify individuals and the PSNI's law enforcement ability must take precedence over the public's interest in disclosure.

Under Section 16 of the Freedom of Information Act, to provide advice and assistance, the following information has been provided to assist your request.

In the 3 years before 1 July 2009 there were 18 incidents of crime recorded in this area.  
In the 3 years after 2 July 2009 there were 17 incidents of crime recorded in this area.

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.