



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2012-02056

**Keyword:** Crime

**Subject:** Crime rates in Holywood

### 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 question 1, subject to the deletion of information pursuant to the provisions of Section 31 and Section 40 of the Freedom of Information 2000 (the Act);

### Question

Under the Freedom of Information Act could you please provide me with the crime rates for the last 5 years i.ro.individual areas of Holywood

e.g. Ardmore/Glenview, Ardlee Avenue, Demesne Road, Church Hill, Spencer Street/Church Green, Princess Gardens etc.

Clarification was received and the information is now only requested for 2 years.

### Answer

I have provided a table at the end of this correspondence which provides the crime rates from 2009 - 2012 for the requested streets Ardmore/Glenview, Ardlee Avenue, Demesne Road, Church Hill, Spencer Street/Church Green and Princess Gardens, Holywood.

However I have decided not to release all the crime rates within these streets as this would be the release of low level data.

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

**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 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.

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. When a member of the public provides personal data to PSNI when reporting a crime which has taken place they will have an expectation that the information will be treated fairly. 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 that relates or could be used to identify persons who have been involved in an incident will be unfair to any individual concerned. The public must have confidence that their information is treated sensitively and appropriately.

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 cell numbers any one who had been involved in crime within the streets (as listed in the request), would be able to establish whether the matter had been reported to police and therefore would be able to take action to avoid detection.

### **Public Interest Test**

#### Factors Favouring Release – Section 31

To release the statistics in full would inform public debates surrounding current issues in this local area of Hollywood. It would also raise awareness of crime and public safety in the area. The public have a right to expect transparency and accountability in relation to the use of Public Funds.

#### Factors Favouring Retention- Section 31

If any persons were involved in crime within this local area of Hollywood they would be able to use this information to assist them to avoid detection. This would therefore hinder the detection of crime and further, knowledge that such information could be obtained in this way would encourage further crime, therefore hindering the prevention of crime.

### **Decision**

I have determined that whilst there are valid reasons for release of this information, where such a release has potential to impact on law enforcement issues, making the role of the police more difficult, then the information should not be released. The PSNI has a duty to fulfil its law enforcement function and whilst there is a public interest in the transparency of policing activities of how public funds are allocated, the delivery of effective law enforcement is of paramount importance.

The Police Service will not disclose information, no matter how generic, if to do so would undermine the prevention or detection of crime, the apprehension or prosecution of offenders and the administration of justice.

The information if released would provide the total crime rates in the Ardmore/Glenview, Ardlee Avenue, Demesne Road, Church Hill, Spencer Street/Church Green and Princess Gardens Holywood, however this has resulted in the retrieval of low cell value statistics.

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.psnipolice.uk](http://www.psnipolice.uk)

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

**Recorded offences identified as occurring at specified locations in  
Holywood**

	2009/10	2010/11	2011/12
Ardlee Avenue			
Ardmore Heights			
Ardmore Road			
Ardmore Terrace			
Church Green	13	14	7
Church Hill			
Demense Road			
Glenview Avenue			
Princess Gardens	5		
Spencer Street	6	9	

**Source: PSNI Statistics Branch**

**s.F31**  
**s.F31(1)(a)**  
**s.F31(1)(b)**  
**s.F40(2)(a)**  
**s.F40(2)(b)**  
**s.F40(3)(a)**