



FREEDOM OF INFORMATION REQUEST



Request Number: F-2012-01783

Keyword: Crime

Subject: Crimes Committed by Offenders Aged 9 and Under

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 the information pursuant to the provisions of Section 40(2)(a)(b) and Section 38(1)(a)(b)

Question 1

In the 2010/2011 financial year how many crimes were committed in your area where the offender was aged 9 or under?

Question 2

If possible please provide a summary of these offences showing the nature of the crime, the age of the offenders and the town or area where the offence was committed?

Question 3

If you have the data could you please provide it for the 2011/12 financial year as well?

Answer

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.

It has been decided not to release details of the area where the offences occurred.

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 38(1)(a)(b) – Health and Safety

Section 40 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. Section 40(2) is an Absolute exemption and therefore 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 is that personal data must only be processed lawfully and fairly. This data is held solely for the purpose of identifying patterns of behaviour which may indicate a child is in need or at risk. To process this information for any other purpose i.e. by releasing it under Freedom of Information would be unfair to the individuals concerned and therefore a breach of the principle.

Section 38 is a prejudiced based exemption, which means the PSNI must consider any potential harm in release of the requested information and demonstrate that it is satisfied that to release the information would be likely to endanger the physical or mental health of an individual.

It is also a qualified exemption which means 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

Releasing the location together with the type of offence and age of the individuals involved in these incidents, could potentially identify the individuals within their communities and incite reprisals against them or their families. Potentially, disclosure could put these individuals at risk and impact on their personal safety.

Public Interest Test

Factors Favouring Release

Releasing the information would promote openness and transparency. The public would be better informed of offences committed in their area by persons under the age of 9.

Factors Favouring Retention

Releasing the locations of these incidents in conjunction with the type of offence committed and their age, could divulge where these children reside and may provoke attacks against them or their families. PSNI will not release any information which may endanger an individual's safety.

Decision

Disclosing the locations where these offences were committed together with the children's age and the type of offence could assist in identifying the individuals concerned. This information could incite reprisals against the children or their families. The safety of individuals is of paramount importance and the PSNI will not divulge any information which could put lives at risk.

Additionally, there is the potential to identify someone from the data, either through a comparison of what is already in the public domain or as an incidental coincidence. There is a risk that release of the information could be used in conjunction with what is already known and assist the identification of the individuals concerned.

Therefore, at this time, it is our opinion that for these reasons releasing the locations of these incidents should not be disclosed into the public domain.

However, I have provided the offence type behaviour committed by children aged 0-9 years in 2010/2011 and 2011/2012 to facilitate your request and promote transparency.

	2011/2012			
	5	7	9	Age 5-9 Year Old
Common Assault	0	0	4	4
Criminal Damage	0	2	4	6
Theft	1	1	2	4
AOABH	0	0	1	1
Aggravated Assault	0	1	0	1
TOTAL	1	4	11	16

	2010/2011				
	6	7	8	9	Age 5-9 Year Old
ASB	0	0	1	0	1
Common Assault	0	0	0	1	1
Sexual Offences	0	0	1	0	1
Aggravated Assault	0	0	0	1	1
Criminal Damage	1	0	0	1	2
Theft	0	1	0	0	1
TOTAL	1	1	2	3	7

Guidance: Please note that children under 10 years old are below the age of criminal responsibility and as such are not deemed capable of committing a criminal offence. In all those instances where a child under 10 years has been involved in behaviour that would otherwise be described as criminal, specially trained police youth Diversion Officers will become involved. Support/Intervention programmes will be considered, as well as the notification of statutory partners such as Social Services, if appropriate, with the agreement and consent of the parent/guardian. Cases will be monitored over a period of time to ensure no repetition of such behaviour and no further risk is identified to the child or others.

Please note: the information provided has been extracted from a live recording system; hence statistics are subject to change, as records are updated on a daily basis.

This data is held solely for the purpose of identifying patterns of behaviour which may indicate a child is in need or at risk.

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.psni.police.uk

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