



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2012-00696

**Keyword:** Crime

**Subject:** Reported Incidents in Comber

### Request and Answer:

#### Question 1

Please inform me of the number of incidences reported to PSNI with regard to numbers 1 to 34 Dunsy Green, Comber, Co. Down, BT23 5XQ during the period 1<sup>st</sup> January 2011 to 13<sup>th</sup> February 2012.

#### Question 2

Please inform me of the number of incidents attended by PSNI at numbers 1 to 34 Dunsy Green, Comber, Co. Down, BT23 5XQ during the period 1<sup>st</sup> January 2011 to 13<sup>th</sup> February 2012.

#### Question 3

Please provide me with the PSNI classification of all incidents.

#### Answer

In accordance with the Act, this letter represents a Refusal Notice for this particular request. The Police Service of Northern Ireland can neither confirm nor deny that it holds the information you have requested.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in the request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held.

Where exemptions are relied upon Section 17(1) of FOIA requires that we provide the applicant with a notice which

- a) states that fact,
- b) specifies the exemption(s) in question and
- c) states (if that would not otherwise be apparent) why the exemption applies.

The Police Service of Northern Ireland (PSNI) can Neither Confirm Nor Deny that it holds the information relevant to your request as the duty in Section 1(1)(a) of the Freedom of Information Act

2000 does not apply by virtue of the following exemption:

### Section 40(5)(b)(i) Personal Information

A disclosure under Freedom of Information is a release of information to the world in general and not to an individual applicant. Therefore, simply confirming or not that such information were held would disclose personal information specific to the residents or other individuals, thereby breaching the Data Protection Act.

Personal data if held by a police service should not be disclosed into the public domain and privacy must be respected. Any information released under the Freedom of Information Act in response to requests is deemed to be **released into the public domain**.

Although Section 40 is an absolute class-based exemption, a Public Interest Test is required for the purposes of Neither Confirming nor Denying that the information is held.

#### **Public Interest Test**

##### Factors Favouring Neither Confirming nor Denying

Confirming or denying whether the PSNI hold this information would aid accountability in that the public could see what action is or is not taken by police when an incident is reported.

##### Factors Against Neither Confirming nor Denying

The breach of an individual's data protection rights would be caused by confirmation or denial. This is so whether or not the information is held, because if the PSNI refused to confirm or deny only in cases where information is held then it may be reasonably concluded that information is held when NCND is used.

#### **Decision**

Confirmation or denial of whether the PSNI hold information of this nature would amount to a release of information whether on this occasion or on other occasions where a similar request is made. Whilst the PSNI would always wish to be transparent and accountable, no release under FOI should be made where an individual's data protection rights would be breached. Not only would this be a breach of Data Protection legislation by the PSNI, but it would also leave the PSNI open to action against it by individuals concerned. It is for these reasons that the Public Interest must favour neither confirming nor denying that the requested information is held.

#### **The release of information under Freedom of Information is a release into the public domain and not just to an individual.**

However, this should not be taken as conclusive evidence that the information you requested exists or does not exist.

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.