



FREEDOM OF INFORMATION REQUEST



Request Number: F-2012 -00748

Keyword: Crime

Subject: Panic alarms in homes

Request and Answer:

Question 1

On what date did the Sergeant apply for a panic alarm to be placed in my home at my request?

Question 2

What is the normal time period from start to finish regarding a panic alarm request application fitted in by a police officer?

Question 3

How many panic alarms are at present in homes in the Newtownabbey area?

Question 4

Did the Sergeant have to ask the Inspector to sign the panic alarm application form?

Question 5

What if any preference is given to a residential property that is on its own?

Question 6

Please get the Sergeant to confirm in writing if he ever requested the panic alarm from my home?

Question 7

Please get the Sergeant to confirm in writing why the panic alarm was not requested?

Question 8

Please get the Sergeant to confirm how many panic alarms have members of the C.L.A.S.P community group got in their homes?

Question 9

Please get to confirm how many panic alarm have members of the Bawnmore community group got in their homes?

Question 10

Please get the Sergeant to confirm how many panic alarms have members of the Merville Garden

Village community group got in their homes?

Question 11

Please get the Sergeant to confirm how many panic alarms have members of the Rathcoole community group got in their homes?

Answer to questions 2 and 5

Section 17 (1) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland (PSNI), 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, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Qualified Exemption

Section 31 (1) (a) Law Enforcement

Section 31 is a prejudice based qualified exemption which means that the legislators have identified that the harm (prejudice) in disclosure as well as the public interest considerations need to be evidenced and articulated to the applicant.

Harm

The essence of the work undertaken by the PSNI is to protect both individuals and society as a whole.

The Police are entrusted with a considerable amount of information and have an important role in countering the many threats against society. The protection of information is essential to its work and the release of any inappropriate information could compromise front line policing.

To disclose the details of the normal time period from start to finish regarding a panic alarm request application and also if any preference is given to a residential property that is on its own would be information extremely useful to those involved in criminality. Disclosure would give criminals details of timeframes and police procedures, tactics, and law enforcement techniques and therefore allowing criminals to avoid subsequent detection. Revealing specific procedural details would dramatically weaken the effective use of a panic alarm in a private home as a tool in the fight against criminality on a local and Northern Ireland level.

The public entrust the Police Service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with the information that is released.

The usefulness of this data can be even more impactful when linked to other information gathered from various sources about criminal activity. The more information disclosed over time gives a more detailed account of this safety measure of not only local areas but also Northern Ireland. Any incident that results from a disclosure would by default effect public confidence and would mean the loss of a valuable protection tool in the police fight against criminals and would seriously jeopardise protecting the community we serve.

Operational procedures, methodology and tactics must be protected by the correct application of exemptions. This is because the release of this type of information would rarely be in the Public Interest and may reduce the PSNI's capability to perform its overall functions under the Police (NI) Act 2000, which states:

“It shall be the general duty of police officers –

- (a) to protect life and property;
- (b) to preserve order;
- (c) to prevent the commission of offences;
- (d) where an offence has been committed, to take measures to bring the offender to justice.”

Public Interest considerations

Section 31 Law Enforcement factors favouring disclosure

The release of information in relation to the details of the normal time period from start to finish regarding a panic alarm request application and also if any preference is given to a residential property that is on its own by the PSNI may be of interest to the public. The actions of the PSNI, particularly in relation to crime prevention and detection require an appropriate application of legislation.

Section 31 Law Enforcement factors favouring non-disclosure

The Police Service has a duty to deliver effective law enforcement ensuring the prevention and detection of crime is carried out appropriately. They will not reveal detail, no matter how generic, which would compromise effective law enforcement issues. It would not be in the public interest to release information that may be of assistance to anyone involved in criminal activity. As explained in the harm the release of this information would be likely to assist criminals rather than being an operational protective tool for police and thus ultimately protecting the community.

The safety of the public is of paramount importance to the policing purpose and an increase in crime would place the public at risk of harm.

Balancing Test

To disclose the requested information would reveal the specific law enforcement procedures methodology and techniques. Such a disclosure would have a serious negative impact on the community as criminals could target areas that they know will be considered for panic alarms. If criminals know that homes have not yet been fitted with panic alarms this heightens the public fear of crime and creates a negative impact on the community, especially those vulnerable members of society under threat.

Information disclosed under the Freedom of Information Act is made public to the world when released. Disclosure of current procedures in relation to the fitting of panic alarms in homes in Newtownabbey, Bawnmore and Merville Garden Village would mean that any subsequent FOI request for other areas would be treated similarly. A series of disclosures for this information would mean that criminals would be able to build up a picture of such technology deployed throughout Northern Ireland. Disclosure would encourage those with criminal intent to intensify their activities to areas that are less well covered by panic alarms as they would have a renewed level of confidence in evading detection.

After weighing up the competing interests PSNI have determined that the disclosure of the information would not be in the public interest.

Answer to questions 1, 4, 6 and 7

The 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)(a) - Personal Information

The first element of this exemption is engaged if the information requested constitutes personal data

and the request is made by the data subject. The information will be covered by Section 40(5)(a) of the Freedom of Information Act, and the request should be dealt with under Section 7 of the Data Protection Act 1998, rights of access.

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 about an individual thereby breaching the Data Protection Act and could in itself disclose sensitive or damaging information.

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 NCND.

Public Interest Test

Factors Favouring Confirmation or Denial

Confirming or denying whether the PSNI hold this information would aid accountability in that the public could see what action was or was not taken by police in relation to information regarding the PSNI's actions regarding panic alarms.

Factors Against Confirmation or Denial

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.

Balancing Test

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. The Public Interest therefore must favour neither confirming nor denying that the information is held.

For your information I have provided a link to a DAT1 subject access form which should be completed when an individual seeks access to his or her own personal data.

<http://www.psni.police.uk/dat.pdf>

It should be noted however that the provision of this form is not confirmation that any relevant information is held and that if any information is held, it may be subject to exemptions under the Data Protection Act.

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

Answer to questions 3, 8, 9,10 and 11

PSNI can neither confirm nor deny that it holds information relating to houses they may or may not have a panic alarm installed as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

Section 40(5) Personal Information

Section 31(3) Law Enforcement
Section 38(2) Health and Safety

Section 40 subsections (1) and (2) is a class based absolute exemption, however Section 40(5) is not, as it is not listed in the schedule of absolute exemptions in Section 2(3). When citing Section 40(5) there is a requirement to articulate the public interest to ensure that neither confirming nor denying that information exists is the appropriate response.

Sections 31 and 38 are prejudice based qualified exemptions and there is a requirement to articulate the harm that would be caused in confirming or not that the information is held as well as carrying out a public interest test.

Harm

Disclosures under the Freedom of Information Act are disclosures to the world, not just to the individual making the request. Any information which may lead to the identification or location of a person or persons who have panic alarms installed for law enforcement purposes will obviously place those people in grave danger.

The impact of confirming or denying whether any information is or isn't held which may aid in the location or identity of individuals could also include the diversion of additional police resources, the costs of having to potentially relocate people as well as undermining the culture of mutual trust and security between PSNI and the individual(s) they have a duty of care to protect.

Additionally confirming or denying may not only lead to individuals being targeted and caused physical harm but also other members of the public in the vicinity, or police officers trying to protect people. Information that causes speculation has in the past caused innocent people to be targeted following rumour and speculation.

Public Interest Considerations

Section 40 (5) Personal Information

Any disclosure under Freedom of Information is a disclosure to the world in general. An exemption can only be cited where information is held. To cite Section 40(1) or (2) or state 'no information held' would confirm whether or not information is held within the locations specified in the request relating to residential houses fitted with panic alarms which could lead to the identification of an individual. Such disclosure would be a clear breach of the first principle of the Data Protection Act, i.e. fairly and lawfully processed.

Section 31 (3) Law Enforcement

Factors favouring Confirmation that Information is held

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. PSNI has a duty of care to ensure individuals requesting assistance from the police for law enforcement purposes to ensure their safety is taken seriously and dealt with appropriately. Confirming that information is held would highlight to the public that the police are dealing appropriately with these requests.

Factors favouring Denial that Information is held

As stated above the Police Service has a duty to defend vulnerable persons. Individuals willing to speak with the Police, such as victims of domestic abuse or hate crime, do so on the understanding that they have done so in an environment of absolute confidentiality. Any disclosure which undermines this trust and confidence and leads to the identification of an individual(s) could place those individuals in grave danger.

Irrespective of whether information is or isn't held, in some cases witnesses may be subject to protection due to ongoing investigations. Information which could be used to undermine prosecutions or aid offenders could hinder the prevention or detection of crime.

Section 38 (2) Health and Safety

Factors favouring Confirmation that Information is held

Confirmation could highlight that PSNI are targeting public funds appropriately and responsibly.

Factors favouring Denial that Information is held

The Police Service will never confirm whether or not information is held if to do so could jeopardise the risk of an individual or undermine public confidence in PSNI's ability to protect the wellbeing of the community.

Balancing

Irrespective of whether information is or isn't held, public safety and the ability to deliver effective law enforcement is of paramount importance. Confirmation or denial (by citing an exemption or stating 'no information held') could undoubtedly compromise effective operational law enforcement and public safety. Therefore at this moment in time it is our opinion that for the issues outlined above the balancing test for confirming or not that information is held is not made out.

No inference can be taken from this refusal that the information you have requested does 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.

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.