



FREEDOM OF INFORMATION REQUEST



Request Number: F-2012-02058

Keyword: Organisational Information/Governance

Subject: Body Parts And Tissue Samples Kept By PSNI

Request and Answer:

Question 1

Details of each individual case including: their name; where they are from; when, where and how they died; what body parts were kept in storage; where were the body parts kept and the reasons why this action was taken.

Answer

Your request for information has now been considered and the decision has been taken not to supply the information you have requested.

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 exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 21 (1) - Information reasonably accessible by other means
Section 38 (1)(a)(b) - Health and Safety

The PSNI are aware that family members of some victims have contacted the media and put their names into the public domain however, it is not the policy of the PSNI to distribute their personal details.

The following exemption has been applied:

Section 21 - Information Reasonably Accessible by Other Means

Part of the information requested can be obtained at the following links:

<http://www.bbc.co.uk/news/uk-northern-ireland-18124258>

<http://www.belfasttelegraph.co.uk/news/local-national/northern-ireland/police-kept-murder-victims-skull-16160006.html>

<http://www.u.tv/News/Daughter-shocked-by-body-parts-letter/6e6b998c-4abf-4c36-86b9-43650247f3c3>

Section 38 is a prejudice based qualified exemption and this means that the public authority is required to provide harm that could occur following disclosure of the requested information and must consider the balance of the public interest in releasing the information against the public interest in withholding it.

The summary of the Harm and Public Interest considerations for Section 38 are provided below:

Harm Test

Section 38

The release of information requested at this time could jeopardise the well being physically and mentally of the families of the victims. The disclosure of any information which identifies the families involved is likely to cause disproportionate and significant distress. The consequences of the disclosure of this information into the public domain, especially the likelihood of it being reported in the media, is such that it would cause significant distress to the families of the victims.

Public Interest Test

Factors favouring release – Section 38

Release of this information would promote transparency in the workings of public authorities and decisions taken, such as in the way the PSNI has carried out the Human tissue audit and their family liaison strategy on the completion of this.

Participation in public debate would be a benefit of release, particularly in respect of the way in which the crimes were investigated and the fact that cases may date back many years would also favour release in light of the passage of time.

Factors favouring retention – Section 38

Release of this information would be likely to cause significant upset or distress to the families involved. The PSNI Family Liaison Officers (FLO) have visited each family and many of the families have stressed they do not wish their names released as this would bring undue attention on their families at this time. Some families have actually decided to use out of town undertakers and not local ones to avoid stress on them in the local areas they live in.

The seriousness of releasing the information is further highlighted in that some families have felt the need to have solicitors correspond with the PSNI requesting that such information about their clients not be released.

The FLO assured each family at the end of the visits that their identities would not be released and any release would affect the public's relationship and trust in the PSNI.

Decision

The withheld information, albeit of interest to the public, would only actually serve the public interest in disclosure to a limited extent.

Therefore when balanced against the single factor, avoiding the significant distress which release would be likely to cause, I have concluded that the public interest in maintaining the exemption is far stronger and outweighs those in favour of the disclosure of the information.

For your information I can also advise that all Human tissue was kept either at the State Pathologists Department or PSNI Seapark and each body part would have been retained under Common Law, CPIA or PACE.

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.psn.police.uk

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