



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2012-00212

**Keyword:** Organisational Information/Governance

**Subject:** Post-Mortem Organ Retention

### Request and Answer:

#### Question

Please provide a breakdown of all instances where police have informed people of the discovery of organs belonging to deceased relatives which have been found in hospitals.

These instances have happened when hospitals have retained human organs after a post-mortem without the permission of relatives (not including organ donation). Where organs are subsequently found in storage in hospitals, police have informed relatives of this.

Please provide an Excel spreadsheet listing each instance where police have informed people of a situation like this. For each one, please state (1) the date that police contacted relatives/friends; (2) the age of the deceased person, if known. (2) the length of time the organ(s) had been retained by the hospital, if known.

I would like this information dating back as long as possible and up until the present day.

#### Answer

Pursuant to the provisions of Section 22 of the Freedom of Information Act 2000 it has been decided to refuse access to the information you have requested. Under Section 22 (1) of the Act the Police Service of Northern Ireland (PSNI) is not obliged to disclose information that is held with a view to its publication at some future date.

The information you requested is planned for publication in April 2012 by Association of Chief Police Officers (ACPO). All Police Forces across England, Wales and Northern Ireland are currently undertaking an audit to establish the number of cases where tissue has been retained and crucially, the reason for their retention.

Section 22 is a class based qualified exemption which means that the legislators have identified that the public interest considerations need to be evidenced and articulated to the applicant.

#### Public Interest Test

#### Factors Favouring Disclosure

Disclosure of this information would provide the public with an awareness of the audit being carried out by PSNI to establish the number of cases where tissue has been retained and crucially the reason for their retention.

### Factors Favouring Non-disclosure

A decision has been made to publish this information in future and will provide the results of an ACPO audit of human tissue holding in the Police Forces in England, Wales and N Ireland. It is felt that it would be inappropriate to release to the world any details in advance of completing the audit and advising relatives. The level of control around the audit and subsequent processes would be severely compromised. Anxiety levels amongst many families are likely to be raised and they are also likely to contact forces in an endeavour to ascertain whether any of the human tissue body parts retained are their loved ones.

### **Decision**

There needs to be a valid reason which identifies the benefits to the public of disclosing the information requested. In this case as there is currently an ACPO audit of police forces in England, Wales and NI, PSNI will not be releasing the information prior to the release of the aforementioned report. The level of control around the audit and subsequent processes would be severely compromised. It is important that the audit is complete in its entirety to ensure PSNI are aware of all facts when speaking to relatives. The most important thing to focus on in this request is the families of the deceased individuals. The European Convention on Human Rights – Article 8 – provides the right to respect for private and family life. Everyone has the right to respect for their private and family life, their home and correspondence. It would be unfair to release this information prior to them being spoken to by the authorities involved and would most certainly not be in the public interest.

If you have any queries regarding your request please write or contact the Freedom of Information Team on 028 9070 0164. Please remember to quote the reference number listed above in any future communications with the Freedom of Information Team.

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.