



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2012-01469

**Keyword:** Organisational Information/Governance

**Subject:** Registered Sex Offenders

### Request and Answer:

#### Question

How many registered sex offenders live in Ashbury, Bangor? And Portavogie?

#### 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 31 (1) (a) (b) Law Enforcement  
Section 38 (1) (a) (b) Health and Safety  
Section 40 (2) (a) (b) by virtue of (3) (a) (i) Personal Information

**Section 40 Personal Information** 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, therefore Section 40(2) is an Absolute exemption and 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), that personal data is processed lawfully and fairly. Personal data of this nature is

recorded and it must be treated in a highly confidential manner and any public disclosure would be unlawful if there is a breach of that law of confidentiality.

When a member of the public provides personal data i.e. their address, to the PSNI they will have an expectation that it will be treated fairly. The Service would be failing in its lawful duty were it to breach the Data Protection Act in order to furnish a disclosure under the Freedom of Information Act 2000. The Service has a duty to protect the personal data of all members of the public and any disclosure of this type of data into the public domain that relates or could be used to identify persons who have been involved in an offence will be unfair to any individual concerned. The public must have confidence that their information is treated sensitively and appropriately.

**Sections 31 and 38** are qualified and prejudice based exemptions, therefore a Harm Test and Public Interest Test must be carried out.

### **Harm Test**

The release of the requested information in these circumstances has the potential to increase the likelihood of the identification of registered sex offenders living in the area. Portavogie is a small town with a population of about 1600 whilst Ashbury is a residential area in Bangor. Therefore, in both these areas, there is a greater likelihood of an individual being identified or misidentified as a sex offender.

The possibility that registered sex offenders may be living in a community is an emotive subject and may lead to attempts to identify these individuals. There is also the possibility that unrest may result, and lead to individuals (whether innocent or guilty) being targeted in response to the release of the information.

The PSNI is currently trying to tackle punishment attacks on individuals believed to be sex offenders. There have been several incidents over the past two years of threats and vigilante action against addresses, sex offenders and innocent parties even where no data has been disclosed.

The release of this information also has the potential to harm the existing relationships between MAPPA partners and registered sex offenders. These relationships are based on trust and disclosure of any information connected to such relationships could have a detrimental effect on the whole process. If offenders become aware that information about the location of registered sex offenders might be made available to the public, they may be less likely to co-operate with the arrangements for monitoring. This raises the risk that monitoring will be less effective and therefore the risk of re-offending is increased.

### **Public Interest Test**

#### Factors Favouring Release – Section 31

Better awareness may reduce crime or lead to more information from the public. The public may be able to take steps to protect themselves.

#### Factors Favouring Retention – Section 31

There is a risk that future effectiveness of law enforcement could be compromised. In this case, release of the information could fuel tension and unrest within a community resulting in additional resources being tasked in order to combat such unrest, leaving other areas of public protection at a reduced level.

If registered sex offenders become aware that information of this type is released they may become concerned about being identified and make efforts to ensure that this doesn't happen. This might include leaving the area making monitoring difficult or impossible and therefore there may be an increased risk of re-offending.

#### Factors Favouring Release – Section 38

Disclosure would lead to better public awareness. The public have a right to know that sex offenders

are being monitored effectively and that public funds are being spent accordingly.

### Factors Favouring Retention – Section 38

A statistical breakdown of this level significantly increases the risk of an individual being identified, either offender or victim. There is substantial evidence held by the PSNI's Public Protection Unit to suggest that, should this happen, there would be a high risk of reprisal attacks on individuals. Misidentification could also lead to innocent parties being targeted.

### Decision

There is always a strong public interest in the accountability of the Service and in knowing that sex offenders are being monitored appropriately.

However, release of the requested information would be likely to have a detrimental effect of the PSNI's future law enforcement capabilities and the ability of the service and outside agencies to monitor sex offenders effectively, impacting on police resources and hindering the prevention and detection of crime.

Disclosure would be likely to place individuals at risk. The police will never release information that is likely to endanger the safety of any individual.

It is for these reasons that the public interest must favour withholding the requested information.

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.psni.police.uk](http://www.psni.police.uk)

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