



FREEDOM OF INFORMATION REQUEST



Request Number: F-2013-05066

Keyword: Crime

Subject: Public Sex Environments and Reports / Arrests Sexual Activity

Request and Answer:

Question 1

Under the Freedom of Information Act, I would like to request details in relation to sites recorded as 'public sex environments' (PSEs) and reports made over sexual activity in a public place.

For each year from 2010 to present (or for a shorter number of years if needed to bring the request within the time constraints of the FOI Act), please disclose the following:

The number of sites recorded by the PSNI as being 'public sex environments'.

If possible within the remit of the FOI Act, please disclose the general locations (towns/cities and/or police district) where these sites are located, the nature of each location (public park, public toilet, etc)

Question 2

The number of reports received in relation to sexual activity in a public place. Please also provide any available details of each incident, including if possible the location; when the incident occurred; and any other available details on what happened in each incident

Question 3

The number of arrests made over sexual activity in a public place. Please also provide any available details of each incident, including if possible the location; when the incident occurred; and any other available details on what happened in each incident

**If this request cannot be completed for the whole of Northern Ireland, please limit this request to the A and B districts.

Answer

I am writing to confirm that the Police Service of Northern Ireland (PSNI) has now completed its search for the information.

I have today decided to:

- Disclose information in response to question 1
- fully exempt the release of the specific addresses/ locations where the reported incidents occurred or specific details of what happened in each incident down to the individual crime

record level as this would be low level data in response to questions 2 and 3 pursuant to the provisions of Sections 30 and 40 of the Act.

Question 1

Under the Freedom of Information Act, I would like to request details in relation to sites recorded as 'public sex environments' (PSEs) and reports made over sexual activity in a public place.

For each year from 2010 to present (or for a shorter number of years if needed to bring the request within the time constraints of the FOI Act), please disclose the following:

The number of sites recorded by the PSNI as being 'public sex environments'.

If possible within the remit of the FOI Act, please disclose the general locations (towns/cities and/or police district) where these sites are located, the nature of each location (public park, public toilet, etc)

Answer 1

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information you requested. The decision has been taken to disclose the located information to you in full.

I contacted a number of relevant Departments and the 8 Districts within PSNI in an attempt to respond to your request. Searches were conducted however these searches failed to locate any records or documents relevant to your request based on the information you have provided.

Accordingly, I have determined that the Police Service of Northern Ireland does not hold the information to which you seek access.

Question 2

The number of reports received in relation to sexual activity in a public place. Please also provide any available details of each incident, including if possible the location; when the incident occurred; and any other available details on what happened in each incident

Question 3

The number of arrests made over sexual activity in a public place. Please also provide any available details of each incident, including if possible the location; when the incident occurred; and any other available details on what happened in each incident

**If this request cannot be completed for the whole of Northern Ireland, please limit this request to the A and B districts.

Answer 2and 3

There were a total of 51 reports received in relation to sexual activity in a public place from January 22, 2010 – August 24, 2013.

There were a total of 13 arrests in relation to sexual activity in a public place from January 22, 2010 – June 13, 2013.

I have provided attached at the end of this correspondence a table providing the number of reports, if anyone was arrested, date reported on, offence title, and the DCU were the offence occurred.

However I have decided not to release the specific addresses/ locations where the reported incidents occurred or specific details of what happened in each incident down to the individual crime record level as this would be low level data.

Due to the low cell numbers any one who had been involved in the incidents would be able to establish whether the matter had been reported to police and therefore would be able to take action to avoid detection.

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 30(1)(a) – Investigations

Section 40(2) by virtue of 40(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. the address / town of where the incident took place 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 incident will be unfair to any individual concerned. The public must have confidence that their information is treated sensitively and appropriately.

Section 30 is a class based qualified exemption and consideration must be given as to whether there is a public interest in disclosure.

Public Interest Test -Section 30

Factors Favouring Release

The release of such information would provide an insight into the police service and enable the public to have better understanding of the effectiveness of the police. The release of information could allow the public to make informed decisions about police procedures and the money spent in this business area.

Factors Favouring Retention

To disclose information in respect of sexual activity in a public place could reveal where current investigations are taking place. This could have detrimental effects which would impact ongoing investigations. This would in turn impact on police resources and lead to more crime being committed, placing individuals at risk and an investigation or the outcome of subsequent proceedings could be compromised.

Decision

On balance the requirement to withhold information relating to any criminal investigation and in conjunction with personal information by releasing the information relating to the address / town of where the incident took place which potentially could affect the outcome of any court proceedings must take precedence. The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The PSNI will not divulge information if to do so would adversely affect any ongoing investigations. Whilst there is a public interest in the transparency of the law enforcement role of the Police Service and providing assurance that the PSNI is appropriately and effectively dealing with crime, there is a strong public interest in safeguarding the integrity of the police service

The Police Service will not disclose information, no matter how generic, if to do so would undermine the prevention or detection of crime, the apprehension or prosecution of offenders and the administration of justice.

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.

Arrested Yes (Y) No (N)	Reported Date	Offence Title	District
Y	22/01/2010	ENGAGING IN SEXUAL ACTIVITY IN A PUBLIC LAVATORY	H
N	26/03/2010	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	A
N	26/03/2010	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	A
N	26/03/2010	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	A
N	26/03/2010	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	A
Y	11/06/2010	SEXUAL ACTIVITY IN A PUBLIC LAVATORY (OFFENCES AFTER 1.2.09)	D
Y	08/07/2010	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	E
N	01/09/2010	ATTEMPTING TO COMMIT AN ACT OUTRAGING PUBLIC DECENCY	A
Y	09/09/2010	SEXUAL ACTIVITY IN A PUBLIC LAVATORY (OFFENCES AFTER 1.2.09)	A
N	21/12/2010	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	A
N	21/12/2010	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	A
N	21/12/2010	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	A
N	22/12/2010	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	A
N	03/02/2011	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	A
N	23/03/2011	ATTEMPTING TO COMMIT AN ACT OUTRAGING PUBLIC DECENCY	H
N	09/05/2011	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	F
N	13/05/2011	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	B
N	16/05/2011	ATTEMPTING TO COMMIT AN ACT OUTRAGING PUBLIC DECENCY	H
N	16/05/2011	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	H
N	16/05/2011	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	E
N	22/05/2011	ATTEMPTING TO COMMIT AN ACT OUTRAGING PUBLIC DECENCY	G
Y	20/08/2011	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	H
N	20/08/2011	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	H
N	20/08/2011	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	H
N	20/08/2011	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	H
N	30/08/2011	SEXUAL ACTIVITY IN A PUBLIC LAVATORY (OFFENCES AFTER 1.2.09)	E
N	12/11/2011	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	D
Y	12/12/2011	ENGAGING IN SEXUAL ACTIVITY IN A PUBLIC LAVATORY	B
N	18/12/2011	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	C
N	03/03/2012	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	B
Y	17/03/2012	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	G
Y	21/03/2012	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	G
N	21/03/2012	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	G
N	30/03/2012	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	H

N	30/03/2012	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	H
N	30/03/2012	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	H
N	30/03/2012	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	H
N	30/03/2012	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	H
N	06/04/2012	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	C
Y	10/05/2012	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	A
Y	28/05/2012	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	C
N	08/10/2012	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	C
N	21/01/2013	SEXUAL ACTIVITY IN A PUBLIC LAVATORY (OFFENCES AFTER 1.2.09)	A
N	29/01/2013	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	B
Y	12/06/2013	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	H
Y	12/06/2013	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	H
Y	13/06/2013	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	C
N	03/08/2013	COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	C
N	24/08/2013	SEXUAL ACTIVITY IN A PUBLIC LAVATORY (OFFENCES AFTER 1.2.09)	F
N	24/08/2013	SEXUAL ACTIVITY IN A PUBLIC LAVATORY (OFFENCES AFTER 1.2.09)	F