



FREEDOM OF INFORMATION REQUEST



Request Number: F-2014-03874

Keyword: Operational Policing

Subject: Missing Persons From January 2013

Request and Answer:

Question 1

I would like to submit a refined request for F-2014-03278 to bring it under the appropriate limit. Since January 2013 a Missing Persons report was made live on Niche systems and subject to any exemptions which may apply I would like to request for the same data from this period. In your previous request you asked if the data could include the following headings: Name, Age, Sex, Nationality, Where they are from, Where they were last seen, if they were found – alive or deceased, If an investigation is still open.

Answer

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

I have today decided to:

- disclose information in response to question 1 subject to the exemption of information pursuant to the provisions of Section 40 of the Freedom of Information 2000 (the Act);

Please see the data at the end of this document detailing the information you have requested subject to the exemption of names.

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 40 (2)(a)(b) by virtue of Section 40(3)(a)(i) – Personal Information

Section 40, Personal Information, is an absolute exemption which means there is no requirement on

the Public Authority to consider whether there is a public interest in disclosure. This is so because personal data is governed by other law (The Data Protection Act 1998). A disclosure under the Freedom of Information Act is a release of information to the world in general and not just to the individual applicant.

The information exempted by PSNI relates to third parties who we consider could be identified from that information. This information identifying them constitutes their 'personal data'. The names exempted are either names of those who have been found or are not in the public domain. If the individual has been located and has moved on with their life then to reprocess their names into the public domain would be a clear breach of Principle 1 of the Data Protection Act. We have therefore considered whether the disclosure of this personal data is subject to the exemption at section 40(2) of the Freedom of Information Act 2000 (by virtue of s40 (3)(a)(i)). If the disclosure of the personal data would contravene any of the eight data protection principles contained within the Data Protection Act 1998, the exemption at section 40(2) of the Freedom of Information Act 2000 will apply. Section 40(2) of the Freedom of Information Act 2000 by virtue of section 40(3)(a)(i) states:-

“(2) Any information to which a request for information relates is also exempt information if

- a) it constitutes personal data which do not fall within subsection (1), and
- b) either the first or the second condition below is satisfied.

(3) The first condition is –

- a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene – i. any of the data protection principles ...”

The eight principles within the Data Protection Act, are principles of good information handling standards which PSNI must comply with in relation to how it handles personal information, including deciding whether to disclose it or not. In particular, the first principle requires personal data to be processed 'fairly and lawfully'. In considering whether it is 'fair' to individuals to release this information about them, PSNI considered the likely expectations of those individuals. It is unlikely that it would be within the expectations of these individuals that their identification information would be put into the public domain. Therefore disclosure would be in contravention of the first Data Protection Principle as it would be 'unfair' to those individuals to release it and PSNI has removed that information.

N.B. The Last Seen location has been given where it has been recorded at the time and I can confirm that an investigation remains open on all cases where the person is still recorded as missing. I have provided the year of birth and the date the report was filed as this gives a more accurate age description of the missing person's age at the time the report was filed with the PSNI.

N.B. This information is based on data extracted from a live system and may be subject to change. It is dependent on the information having been input into the system in such a way as to identify those records that are relevant.

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.psni.police.uk

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