



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2014-04961

**Keyword:** Road Policing

**Subject:** Road Traffic Accidents Pond Park Road Lisburn

### Request and Answer:

#### Question 1

Could you please share all information regarding road traffic accidents which have occurred on the Pond Park Road, Lisburn? The part of the road in question is where Pond Park Road runs parallel to Pond Park Road East.

I would like to see details of all accidents, time of day, weather conditions and if speed was a factor in the accident.

#### Question 2

If statements and photos are available I would also like to see these.

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 in full; and
- fully exempt information in response to question 2 pursuant to the provisions of Sections 30, 40 and 41 of the Act.

#### Question 1

Could you please share all information regarding road traffic accidents which have occurred on the Pond Park Road, Lisburn? The part of the road in question is where Pond Park Road runs parallel to Pond Park Road East.

I would like to see details of all accidents, time of day, weather conditions and if speed was a factor in the accident.

#### Answer

There have been 7 injury reported road traffic collisions that have occurred on the Pond Park Road and at the junctions to the north and south with Pond Park Road East between 1<sup>st</sup> January 1998 and 31<sup>st</sup> July 2014. Two of these collisions (both at Pond Park Road East (North) junction) were attributed to 'excessive speed having regard to conditions'. Details of the seven collisions are listed below.

Collision history of reported injury road traffic collisions on Pond Park Road between Pond Park Road East (South) and Pond Park Road East (North) junctions. None of these collisions occurred within 50 metres of these junctions.

**Period: 1<sup>st</sup> January 1998 – 31<sup>st</sup> July 2014**

Date	Type of Collision	Time	Weather	No. of vehicles involved	Details
February 2003	Slight Collision	21:45	Fine(without high wind)	2	1 car passenger slightly injured
January 2004	Slight Collision	11:00	Fine(without high wind)	1	1 pedestrian slightly injured
May 2004	Slight Collision	13:35	Fine(without high wind)	2	1 car driver slightly injured
August 2013	Slight Collision	18:20	No information	2	1 car driver slightly injured

**N.B.** Please be aware that the two tables below include collisions at or within 50 metres of the named junction.

Collision history of reported injury road traffic collisions on Pond Park Road/Pond Park Road East junction (South)<sup>2</sup>

**Period: 1<sup>st</sup> January 1998 – 31<sup>st</sup> July 2014**

Date	Type of Collision	Time	Weather	No. of vehicles involved	Details
June 2012	Slight Collision	15:10	No information	2	1 motorcyclist slightly injured

Collision history of reported injury road traffic collisions on Pond Park Road/Pond Park Road East junction (North)<sup>2</sup>

**Period: 1<sup>st</sup> January 1998 – 31<sup>st</sup> July 2014**

Date	Type of Collision	Time	Weather	No. of vehicles involved	Details
November 2003	Slight Collision	08:55	Fine(without high wind)	2	1 HGV driver slightly injured
June 2009	Slight Collision	15:52	Fine(without high wind)	2	1 car driver, 1 van driver and 1 passenger slightly injured

<sup>2</sup> Please be aware that these include collisions at or within 50 metres of the named junction.

***Due to ongoing validation, this information may be subject to change***

**Source: Statistics Branch, Police Service of Northern Ireland, Lisnasharragh**

## Question 2

If statements and photos are available I would also like to see these.

## Answer

No photographs were taken.

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 41 (1)(a)(b) - Information Provided In Confidence

Section 30 is a class based exemption which means that if the information is of the type referred to within the exemption then the exemption applies to it without any consideration of the harm. It is also a qualified exemption which means that a public interest test must be carried out and the factors in relation to this are illustrated below.

Section 40 Personal Information is an absolute exemption which means there is no requirement for 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.

We have withheld the information requested, under section 40(2) by virtue of s 40 (3) a (i) of the FOI Act, which allows a public authority to withhold information from a response to a request when the information requested is personal data relating to someone other than the requestor, and its disclosure would contravene one of the Data Protection principles

In this instance we consider that such a disclosure would be unfair to the third party individuals and in breach of the first Data Protection principle which states that – “Personal data shall be processed fairly and lawfully”. The individuals capable of being identified within this information would not have an expectation that their information would be released to the public domain. They include those witnesses, police officers investigating this incident and those who attended the crime-scene. It would be within their reasonable expectations that such information would not be made available to the larger public.

### **Public Interest Test**

#### Factors Favouring Disclosure - Section 30

Disclosure could promote public trust in providing transparency, demonstrating openness and accountability into how investigations take place. It could allow the public to be satisfied that investigations are being conducted efficiently and appropriately. Disclosure would also show that public funds were being used effectively and appropriately. All police investigations will involve the use of public funds and where this is the case there is always a public interest in ensuring that those funds are not used unnecessarily or unwisely.

#### Factors Favouring Non-Disclosure – Section 30

If the PSNI were to release the requested information at this time it could seriously compromise and undermine any future investigations, thus hindering the course of justice. It would therefore not be in the public interest to release information that may still be of assistance to the PSNI in relation to any investigation and therefore hinder the detection of crime.

There is a strong public interest in maintaining the section 30 exemption in order to protect witnesses, and in not deterring potential witnesses from making statements for fear that their

evidence might not be treated in confidence. Also for maintaining the independence of the judicial and prosecution process and preserving the criminal court as the sole forum for determining guilt.

It is the Association of Chief Police Officers approach that information relating to an investigation will rarely be disclosed under the provisions of the Freedom of Information Act. Whilst information may be released if it provides a tangible community benefit, for example to prevent or detect crime or to protect life or property, it is hard to see how the information here will do so.

### **Section 41(1) Information Provided in Confidence**

There are two components to this exemption;

- The information must have been obtained by the public authority from another person.
- Disclosure of the information would give rise to an actionable breach of confidence.

The witness statements were obtained from third parties as part of the investigative process into the accidents and as such those giving the statements would have done so in the understanding that they would be treated in and only used for the purposes they were provided for.

I have considered whether the requested information has the necessary quality of confidence. There are two key elements to this:

- The information need not be highly sensitive, nor can it be trivial.
- The information must not be readily available by other means.

I carried out searches and have established as far as possible that the information is not available by other means. I am satisfied therefore that the exemption is engaged.

### Balance Test

The requirement to withhold information relating to an investigation together with personal information, the release of which would contravene one of the Data Protection principles, must take precedence over the important issues of public accountability and transparency.

The investigative role is of paramount importance and the Police Service will not divulge information if to do so could undermine the detection and apprehension of offenders and compromise the rights of a suspect to a fair trial.

I am satisfied that in this case the public interest factors favouring retention outweigh those favouring release as the interests in accountability can rarely defeat the interests in a fair investigation and trial.

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.