# FREEDOM OF INFORMATION REQUEST



Request Number: F-2015-00864

**Keyword:** Operational Policing

Subject: Details Of Correspondence In Relation To Social Media Image

Request and Answer:

#### Question

I would like to request details of correspondence sent and received by the PSNI in relation to an image circulated on social media in July last year showing a young girl with 'KAT' written on her forehead.

More information on this online image can be found here: http://www.thejournal.ie/kill-all-taigs-facepaint-mother-1968400-Mar2015/?utm\_source=shortlink

For the period between July and October 2014, please disclose the following:

- A copy of all correspondence (redacted where appropriate if necessary) sent and received in relation to the image.
- A copy of any reports or evaluations (redacted where appropriate if necessary) compiled in relation to the image.

**Clarification:** To clarify my request, I am seeking both internal correspondence (i.e. within the PSNI) and external correspondence with other bodies, redacted where required. If this is not possible within the remit of the FOI Act, please limit this request to external correspondence.

#### Answar

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 your question subject to the deletion of information pursuant to the provisions of Sections 31, 38, 40 and 42 of the Freedom of Information 2000 (the Act)

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 42(1) – Legal Professional Privilege Section 40(2)(a)(b) by virtue of 40(3)(a)(i) – Personal Information Section 38(1)(a)(b) – Health & Safety Section 31(1)(a)(b) – Law Enforcement

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).

The information identifying an individual constitutes their 'personal data'. 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 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 the individual to release this information about them, PSNI considered the likely expectations of the individual. Therefore disclosure would be in contravention of the first Data Protection Principle as it would be 'unfair' to the individual concerned to release it and PSNI has withheld that information.

Legal Professional Privilege protects material from disclosure on the ground that a person must be sure that what they and their lawyer discuss in confidence will not be disclosed to third parties. Such communication is protected by legal advice privilege if it is made; confidentially, between a client and their lawyer, and for the purpose of seeking of legal advice. Communications between solicitors in the PSNI's Legal Services Branch and members of the PSNI staff are communications between a lawyer and client.

Section 42 is a Class Based exemption so it is not necessary to address the harm. However, as it is a qualified exemption a public Interest Test is required.

Section 38 is a prejudice based qualified exemption and this means that the public authority is required to evidence the harm in disclosure of the requested information and must consider the balance of the public interest in releasing the information against the public interest in withholding it.

Section 31 is a qualified and class-based exemption which means that the legislators have

determined that harm in release must be evidenced and also that a public interest test should be conducted.

The summary of the Harm and Public Interest considerations for Sections 38 and 31 is provided below.

#### **Harm Test**

The information refers to police direct dial telephone numbers and e-mail addresses and the release of this information is a sensitive area. Releasing these details would allow criminals, and anyone intent on hampering police law enforcement duties, to bombard the system with e-mails and phone calls therefore both directly and indirectly impacting on the prevention and detection of crime. Disclosure of the information relating to an individual at risk employed by PSNI could impact on his/her safety and thus disclosure of the individual's name may be valuable intelligence for terrorist groups.

### **Public Interest Test**

## <u>Factors favouring release – Section 38</u>

Releasing the information would promote openness and transparency. The public would be better informed about staff and their roles within the service.

## Factors favouring retention - Section 38

Releasing the names of individuals who work within the PSNI into the public domain would assist terrorists and criminal elements to carry out attacks on these persons.

### Factors favouring release – Section 31

Release of this information could give the public better access to Police Departments.

## Factors favouring retention – Section 31

Disclosures of details about e-mail addresses and phone numbers could compromise the PSNI's law enforcement abilities by bombarding the addresses with e-mails and keeping the telephone lines engaged. This would mean that police officers and staff would be engaged in answering calls which could be better answered by others and release of an e-mail address could increase the risk of cyber attack which would hinder legitimate e-mails from getting through. This could potentially lead to more crime being committed and individuals being placed at risk by important calls and information not getting through.

### Factors favouring release - Section 42

Public authorities should be accountable for the quality of their decision making and release of this information would assist transparency of the decision making process.

## Factors favouring retention – Section 42

Decisions by public authorities should be made in a fully informed legal context. The knowledge that legal advice may be released into the public domain may affect the ability of lawyers to provide such advice. Without such advice public authority decision making may be compromised because it will not be fully informed.

## **Decision**

While there is a strong public interest in releasing the information requested the PSNI must ensure that law enforcement is not adversely affected by the release of direct dial numbers and e-mail addresses. There may be a public interest in having access to police departments and in ensuring that the Service is actively engaging with its Law Enforcement responsibilities the PSNI has a duty of care to the community it serves. The PSNI will not release details that may hinder the detection or prevention of crime through the release of information which may be of assistance to criminals and direct dial lines and e-mails being inappropriately used or maliciously attacked. The release of the names of a member of staff into the public domain would not be in the public interest. The Service is

currently under severe threat from terrorists and disclosure of this information has the potential to assist those criminal elements seeking to carry out attacks against police officers and civilians. The safety of individuals is of paramount importance and the PSNI will not divulge any information which could put lives at risk.

Legal professional privilege is a long established principle which is fundamental to the administration of justice. The factors in favour of disclosing legal advice on this occasion are outweighed by the need to maintain Legal Professional Privilege (LPP) and therefore the requested information should not be released in this case. LPP protects material from disclosure on the ground that the client is able to speak freely and frankly with his or her legal adviser in order to obtain appropriate legal advice. This is a fundamental requirement for a properly functioning legal system in Northern Ireland. The concept of LPP protects the confidentiality of communications and this helps to ensure complete fairness in legal proceedings. Taking into account all the circumstances we consider the public interest favours withholding the information to which the exemption relates.

In this case I am satisfied that the exemptions outlined above are applicable to this 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.

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.

	s.F31
From:	s.F31(1)
<b>Sent:</b> 27 March 2015 16:49	s.F31(1)(a)
To:	s.F31(1)(b)
Subject: FW: 13/7/14, KAT facepaint.	s.F38
	s.F38(1)
	s.F38(1)(a)
From:	s.F38(1)(b)
<b>Sent:</b> 14 July 2014 12:54	s.F40
<b>To: Subject:</b> : FW: 13/7/14, KAT facepaint.	s.F40(2)
<b>Subject:</b> : FW: 13/7/14, KAT facepaint.	s.F40(2)(a)
	s.F40(2)(b)
Sent: 14 July 2014 12:51  To: Subject: 2.RESTRICTED:: FW: 13/7/14, KAT facepaint.	s.F31 s.F31(1) s.F31(1)(a)
From: Sent: 14 July 2014 12:07 To: Subject: 1.NOT PROTECTIVELY MARKED-All Networks:: 13/7/14, KAT facepaint.	s.F31(1)(b) s.F38 s.F38(1) s.F38(1)(a)
	s.F38(1)(b)
So far The Irish News and UTV have asked about the child with the KAT facepaint	s.F40
50 fai The firsh frews and 61 v have asked about the child with the KAT facepaint	· ,
sent through an image of a child with the sectarian slightered (see related records) and asked if police are aware of this, are they investigating for what reasons are they investigating (e.g. treating it as potential child neglect, hat	gating, and if \$60(2)(b)
13/7/14 refers	

13/7/14 refers

This is the line that we have issued back to them:

Police have received a report, enquiries will be carried out to establish if any offences have been committed.	s.F31
	s.F31(1)
Thanks,	s.F31(1)(a)
Press Officer	s.F31(1)(b)
Department of Corporate Communications   PSNI Headquarters Tel:	s.F38
	s.F38(1)
HO DDEGG OFFICE ODENING HOUDG	s.F38(1)(a)
HQ PRESS OFFICE OPENING HOURS: Monday - Friday: 7am - 8pm   Saturday & Sunday: 9am - 5pm	s.F38(1)(b)
Monday - Friday. 7am - opin   Saturday & Sunday. 7am - 5pin	s.F40
	s.F40(2)
	s.F40(2)(a) 000001

From: s.F31 Sent: s.F31(1) To: Subject: s.F31(1)(a) s.F31(1)(b) Attachments: photo.PNG; ATT00001.txt s.F38 s.F38(1) s.F38(1)(a) photo.PNG ATT00001.txt s.F38(1)(b) s.F40 s.F40(2) ----Original Message----From: s.F40(2)(a) Sent: 14 July 2014 13:08 s.F40(2)(b) To: Subject: 13/7/14 This is the photo in relation to the KAT comment ----Original Message----From: Sent: 14 July 2014 12:58 To: Subject: 2.RESTRICTED:: FW: L3/7/14 s.F31 s.F31(1) s.F31(1)(a) ----Original Message----From: s.F31(1)(b) Sent: 13 July 2014 12:46 s.F38 To: 13/<del>7/</del>14 Subject: s.F38(1) s.F38(1)(a) s.F38(1)(b) Evidence re 3/7/14 s.F40 s.F40(2) ----Original Message---s.F40(2)(a) From: Sent: 13 July 2014 12:22 s.F40(2)(b)

To: Subject:

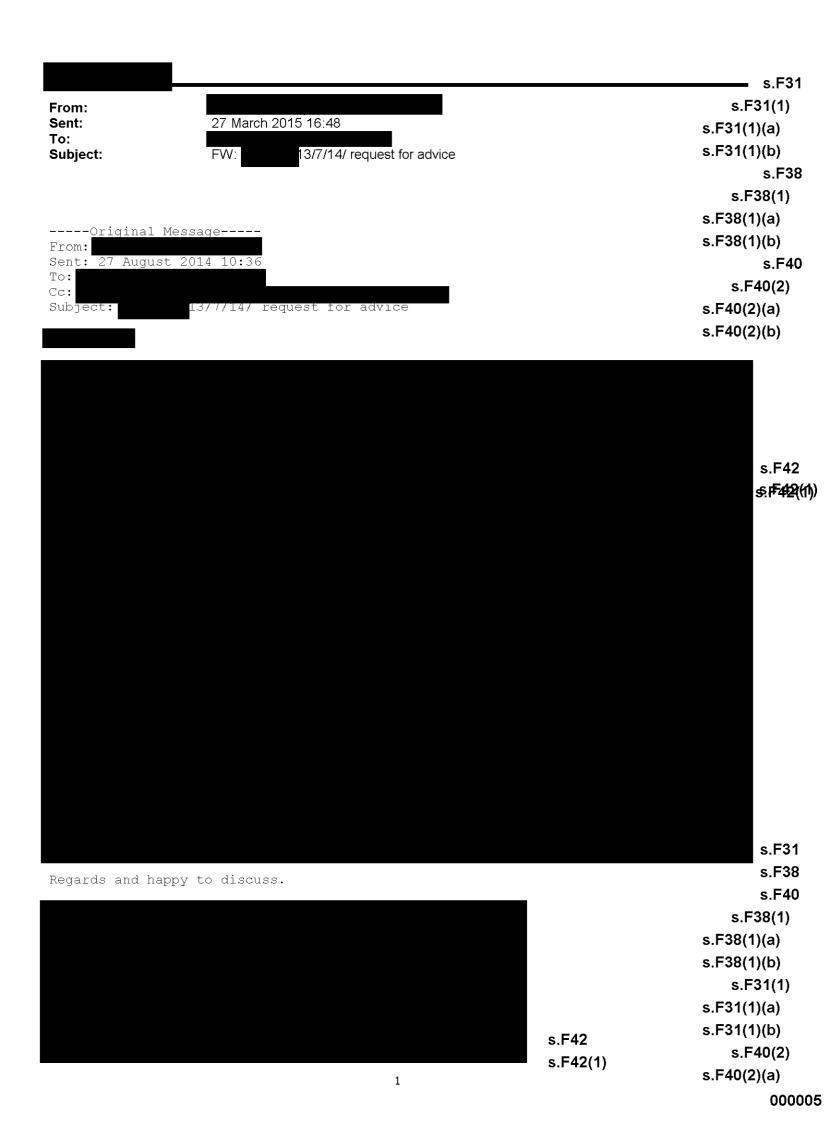
```
s.F31
From:
Sent:
                                                                                       s.F31(1)
To:
                                                                                    s.F31(1)(a)
Subject:
                                13/7/14/ request for advice
                                                                                    s.F31(1)(b)
                                                                                       s.F38
                                                                                       s.F38(1)
----Original Message----
                                                                                    s.F38(1)(a)
From:
         August 2014
Sent:
                                                                                    s.F38(1)(b)
To:
                                                                                       s.F40
                  13/7/14/ request for advice
Subject:
                                                                                       s.F40(2)
                                                                                    s.F40(2)(a)
Put this on the OEL log as well
                                                                                    s.F40(2)(b)
----Original Message----
From:
Sent: 24 August 2014 19:14
To:
Subject: : FW:
                        13/7/14/ request for advice
Could you please provide me with some guidance reference
A summary of the incident - An email was received from an anonymous person
complaining that there was a picture of a young child with KAT painted on her
forehead on social media (Reddit Northern Ireland). Beside the picture of the child
the parent named on the page as
                                                     agrees to a comment that it means
"kill all taigs".
                                                                                            s.F31
We believe we have identified
                                                   could you please advise which
                                                                                        s.F31(1)
offence, if any have been committed.
                                                                                    s.F31(1)(a)
This incident was high profile and we have recently had the Irish News onto the
                                                                                    s.F31(1)(b)
office looking an update on the investigation, at present we have no written
complaint in relation to this incident.
                                                                                            s.F38
                                                                                        s.F38(1)
Thank you
                                                                                    s.F38(1)(a)
                                                                                    s.F38(1)(b)
                                                                                            s.F40
                                                                                        s.F40(2)
                                                                                    s.F40(2)(a)
                                                                                    s.F40(2)(b)
Oldpark Neighbourhood
     Original Message----
From:
Sent: 14 July 2014 13:08
To:
Subject: : FW:
```

This is the photo in relation to the KAT comment

----Original Message---From: Sent: 14 July 2014 12:58 To: 13/7/14 Subject: 2.RESTRICTED:: FW: ----Original Message----From: Sent: 13 July 2014 12:46 To: Subject: : 13/7/14 Evidence re 13/7/14 ----Original Message----From: Sent: 13 July 2014 12:22 To: Subject:

s.F31 s.F31(1)(a) s.F31(1)(b) s.F38 s.F38(1)(a) s.F38(1)(a) s.F38(1)(b) s.F40 s.F40(2) s.F40(2)(a)

s.F40(2)(b)





----Original Message----From: Sent: s.F31 To: Cc: s.F38 13/7/14/ request for advice Subject: : FW: s.F40 s.F42 s.F38(1) Could you please provide me with some guidance reference 13/7/14. s.F38(1)(a) A summary of the incident - An email was received from an anonymous person s.F38(1)(b) complaining that there was a picture of a young child with KAT painted on her forehead on social media (Reddit Northern Ireland). Beside the picture of the childs.F31(1) agrees to a comment that it means s.F31(1)(a) the parent named on the page as "kill all taigs". s.F31(1)(b) We believe we have identified could you please advise which s.F40(2) offence, if any have been committed. s.F40(2)(a) This incident was high profile and we have recently had the Irish News onto the press s.F40(2)(b) office looking an update on the investigation, at present we have no written complaint in relation to this incident. s.F42(1) Thank you s.F31 s.F38 s.F40 s.F42 s.F38(1) s.F38(1)(a) s.F38(1)(b) s.F31(1) ----Original Message---s.F31(1)(a) From: s.F31(1)(b) Sent: 14 July 2014 13:08 s.F40(2) Subject: : FW: s.F40(2)(a) s.F40(2)(b)2

000006

----Original Message----Sent: 14 July 2014 12:58 s.F31 s.F31(1) 13/7/14 Subject: 2.RESTRICTED:: FW: s.F31(1)(a) s.F31(1)(b) ----Original Message---s.F38 From: s.F38(1) Sent: 13 July 2014 12:46 To: s.F38(1)(a) Subject: : L3/7/14 s.F38(1)(b) s.F40 s.F40(2) 13/7/14 Evidence re s.F40(2)(a) s.F40(2)(b) ----O<u>riginal Message----</u> From: Sent: 13 July 2014 12:22 To: Subject:

<b>-</b>		s.F31
From:		s.F31(1)
Sent:	27 March 2015 16:48	s.F31(1)(a)
To:		s.F31(1)(b)
Subject	Subject: FW: Request for advice	s.F38
		s.F38(1)
	s.F38(1)(a)	
rom:		s.F38(1)(b)
ent: 24 September 2014 16:06  o: ubject: RE: Request for advice		s.F40
		s.F40(2)
<b>,</b>		s.F40(2)(a)
		s.F40(2)(b)

Received and noted. I will have a think about it and come back to you.

Kind regards

.....

From:

**Sent:** 24 September 2014 15:51

To: (

Subject: 1.NOT PROTECTIVELY MARKED-All Networks:: Request for advice

An email was received from an anonymous person complaining that there was a picture of a young child with KAT painted on her forehead in red, white and blue on social media (Reddit Northern Ireland). Beside the picture of the child the parent named on the page agrees to a comment that it means "kill all taigs". The email was received on 13/7/14, following the 12th July Celebrations.

Social Service/ PSNI Child Abuse office are aware but do not believe any offence against the child has been committed.

I'm just looking some pre- prosecutorial advice. We believe we have identified the mother but I want to be sure of the offences that have been committed before I speak to her.

Thank you

Below is the advice I received from

s.F31

s.F31(1) s.F31(1)(a)

s.F31(1)(b)

s.F38

s.F38(1) s.F38(1)(a)

s.F38(1)(a) s.F38(1)(b)

ร.ศอง( เ)(เ s.F40

s.F40(2)

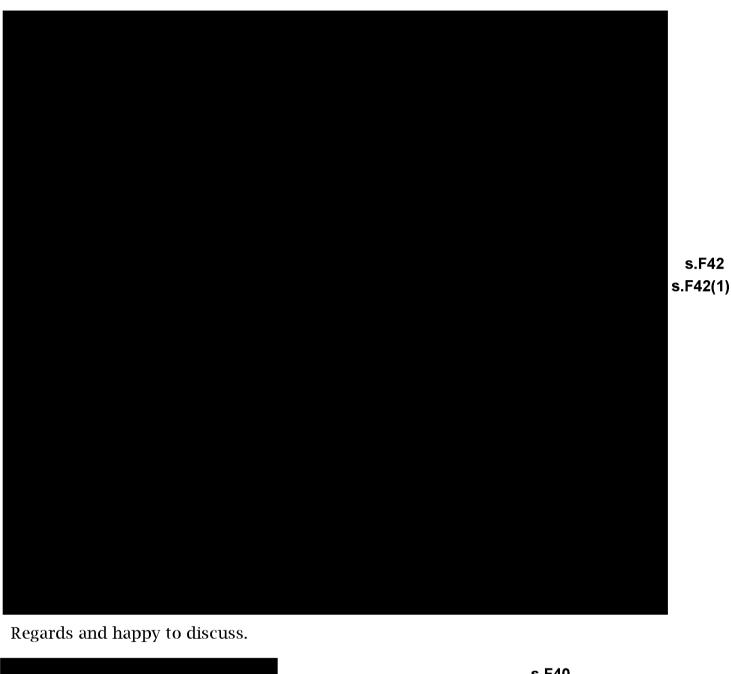
s.F40(2)(a)

s.F40(2)(b) s.F42

s.F42(1)

800000

30/03/2015





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Any views expressed by the sender of this message are not necessarily those of the Police Service of Northern Ireland. This e-mail and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed. Internet email is not to be treated as a secure means of communication. PSNI monitors all internet email activity and content. If you have received this e-mail in error please notify the sender immediately by using the reply facility in your e-mail software. All e-mails are swept for the presence of viruses.

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This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems,

please call your organisations IT Helpdesk.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

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s.F31 From: s.F31(1) Sent: 27 March 2015 16:47 s.F31(1)(a) To: s.F31(1)(b) Subject: FW: Request for advice s.F38 s.F38(1) s.F38(1)(a) From: s.F38(1)(b) **Sent:** 25 September 2014 10:09 s.F40 Subject: RE: Request for advice s.F40(2)s.F40(2)(a) s.F40(2)(b) Can you give me a ring on at some stage to discuss. Kind regards

From:

**Sent:** 24 September 2014 15:51

10:

Subject: 1.NOT PROTECTIVELY MARKED-All Networks:: Request for advice

An email was received from an anonymous person complaining that there was a picture of a young child with KAT painted on her forehead in red, white and blue on social media (Reddit Northern Ireland). Beside the picture of the child the parent named on the page agrees to a comment that it means "kill all taigs". The email was received on 13/7/14, following the 12th July Celebrations.

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I'm just looking some pre- prosecutorial advice. We believe we have identified the mother but I want to be sure of the offences that have been committed before I speak to her.

Thank you

s.F40

s.F40(2)

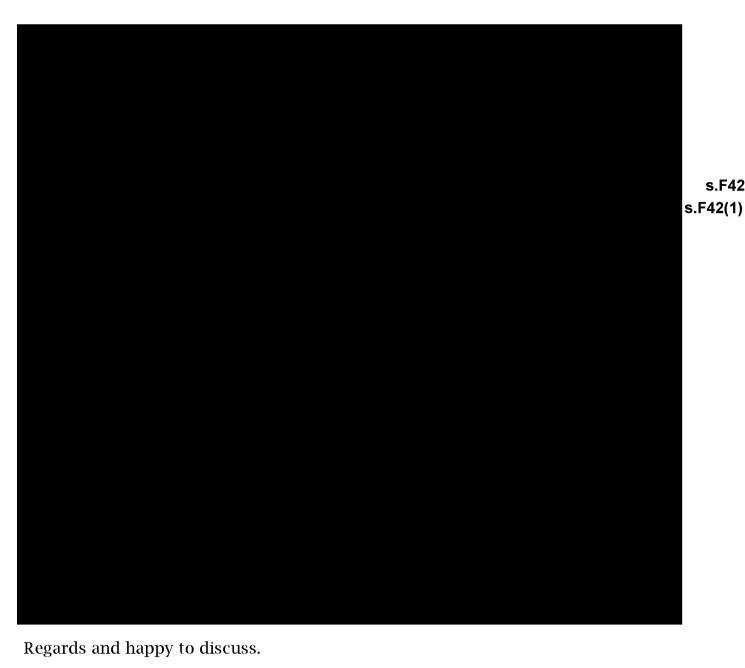
s.F40(2)(a)

s.F40(2)(b)

Below is the advice I received from

s.F42 s.F42(1)

s.F42





\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

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From:

Sent:

26 March 2015 21:07

Subject: 2.RESTRICTED:: FW: Hate Crime Report 13/07/2014

To: Subject:

From:

2.RESTRICTED: FW: 2.RESTRICTED:: FW: Hate Crime Report 13/07/2014

As per other email

s.F31

s.F31(1)

s.F31(1)(a)

3.1 **3** 1(1)(a)

s.F31(1)(b)

s.F38

s.F38(1)

s.F38(1)(a)

s.F38(1)(b)

s.F40

s.F40(2)

s.F40(2)(a)

s.F40(2)(b)

----Original Message----

----Original Message----

Sent: 13 July 2014 16:22

From:

Sent: 13 July 2014 16:16

TO:

Subject: : FW: Hate Crime Report 13/07/2014

Extra info

Further report received ref the KAT photo. I have added this to

13/7/14.

----Original Message----

From:

Sent: 13 July 2014 12:42

To:

Subject: : FW: Hate Crime Report 13/07/2014

Please see online Hate report received via PSNI web site.

Please ensure that the report is recorded on Command and Control and that CMSU are updated with whatever details are available at that time.

Please assign to the relevant Neighbourhood Policing Team which has responsibility for the area where the incident has occurred for necessary action/investigation. If the NPT are on duty, close the serial to a nominated officer — if not on duty the NPT Sergeant.

Ensure that when closing the serial that the HATE Crime sub closing code(s) is/are used.

The report should be dealt with in accordance with Service Policy PO 02/06 Police Response to Hate Incidents.

The report has/has not been acknowledged.

On-line Hate Crime Reporting

Police Service of Northern Ireland

----Original Message----

From: HateCrimeReport@urzone.com [mailto:HateCrimeReport@urzone.com]

Sent: 13 July 2014 11:59

To:

Subject: Hate Crime Report 13/07/2014

HATE CRIME REPORT

Informant Details

Informant Name:

Informant Address:

Informant City:

Informant Daytime Tel:

Informant Evening Tel:

Informant Mobile Tel:

Informant E-Mail:

Informant Date of Birth:

Informant Gender:

Informant Ethnicity:

s.F31

s.F31(1)

s.F31(1)(a)

s.F31(1)(b)

s.F40

s.F40(2)

s.F40(2)(a)

s.F40(2)(b)

Incident Details

Motive Behind Incident: Victim or Witness:

Sectarian Witness

THE INCIDENT:



Date of Incident: 12 July 2014 Time of Incident: 12:10 PM

INCIDENT LOCATION:

Alliance Road area is where the "parent" says the child is. This picture is online and can be found on Reddit Northern Ireland under heading A Day For The

Family....http://i.imgur.com/brx49N2.jpg

Witnesses Present: Y

All of those who seen picture online and those who would have been present at the home at the time.

Injury / Damage

Yourself or Victim Injured: Unsure

Loss or Damage to Property: Unsure

Offenders Details

Number of Offenders:

Offenders Known to Informant:

Can Informant Name Offenders:



Offender Ethnicity: White

Offender Vehicle Details

Vehicle Present: No

Vehicle Registration:

Vehicle Make:

Vehicle Model:

Vehicle Colour:

Confirm Contact by Liaison Officer

Contact Required: No

s.F38

s.F38(1)

s.F38(1)(a)

s.F38(1)(b)

s.F40

s.F40(2)

s.F40(2)(a)

s.F40(2)(b)



I'm sure will brief you on this one, but we need to initially just see if we can ID the child involved so if you can tie in with Press office and make some discreet NICHE enquiries

Many thanks