



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2016-01130

**Keyword:** Organisational Information/Governance

**Subject:** Sex Offenders Register

### Request and Answer:

#### Question 1

How many convicted criminals are on the Sex Offenders' Register in Northern Ireland?

#### Answer

There are currently 1441 persons subject to notification under the Sexual Offences Act 2003 in Northern Ireland.

#### Question 2

How many males, how many female?

#### Answer

There are a total of 1434 males and 7 females.

#### Question 3

How many convicted paedophiles or rapists, added to the Register for life, have sought to have their names removed from the Register during the past six years?

#### Answer

Persons subject to notification under the Sexual Offences Act 2003 in Northern Ireland are not recorded by the PSNI using these terms (e.g. paedophile, rapist, etc.) rather they are recorded against the offence that they are convicted of and so the PSNI would not be able to answer this request.

**Please Note:** The introduction of law to permit persons subject to indefinite notification under the Sexual Offences Act 2003 to have their notification reviewed has only been in place in Northern Ireland since March 2014 and since that date there have been a total of 53 such applications made to the PSNI.

#### Question 4

How many of those have had their names removed from the Register during the past six years on the grounds they no longer pose a risk to the public?

#### Answer

As detailed in the answer to question 3, the review process has only been in place in Northern

Ireland since March 2014 and since that date there have been a total of 53 such review applications made to the PSNI and of these cases 39 persons have had their requirement to notify removed.

**Please Note:** The Chief Constable is required (upon application) to review the indefinite notification requirements which apply to sex offenders under Schedule 3A of the Sexual Offences Act 2003. Paragraph 3(1) of Schedule 3A specifies the test for discharging the notification requirements and states that:

On an application under paragraph 2 the Chief Constable shall discharge notification requirements unless the Chief Constable is satisfied –

- (a) that the offender poses a risk of sexual harm; and
- (b) that the risk is such as to justify the notification requirements continuing in the interests of the prevention or investigation of crime or the protection of the public.

The decision making process is in line with statutory guidance provided by the Department of Justice, a copy of which can be found on their website at [www.dojni.gov.uk](http://www.dojni.gov.uk)

### **Question 5**

What are the names of those offenders struck off the Register and what crimes did they commit?

### **Answer**

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act I can confirm that the Police Service of Northern Ireland does hold information to which your request relates. The decision has been taken not to supply the information you have requested in regard to question 5 and the reasons for this are set out in more detail below.

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

The full text of exemptions can be found at [www.legislation.gov.uk](http://www.legislation.gov.uk) and further guidance on how they operate can be located on the Information Commissioners Office website [www.ico.org.uk](http://www.ico.org.uk)

When a request is received by PSNI under the Freedom of Information Act, we must consider if the information can be released to the public.

Section 40 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. Section 40(2) is an Absolute exemption and therefore a Public Interest Test is not necessary.

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.

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.