



FREEDOM OF INFORMATION REQUEST



Request Number: F-2017-02817

Keyword: Crime

Subject: CCTV

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Freedom of Information Act 2000 (FOIA) I can confirm that the Police Service of Northern Ireland (PSNI) does hold information to which your request relates. The decision has been taken to disclose the following.

Request 1

I am looking information on what powers and procedures the police force have or your policy in regards to obtaining CCTV footage in the advent of a crime. A crime has took place outside house which my CCTV has pick up do I have to hand the footage over or can I refuse if asked by the police or would li be breaking any laws?

Request 2

A person is accused of a crime and the accuser has CCTV on their property has the police force any lawfully means to go on the accuser's property to obtain the footage if they are refused the footage by the accuser if it could show other person is being falsely accused.

Answer

The PSNI have obligations under the Police (Northern Ireland) Act 2000 to take measures to bring the offender to justice, where a crime has been reported. This includes taking action to investigate lines of enquiry which show an allegation to be false. Police would have a responsibility if they were aware that CCTV footage of a crime was available to access that footage. This may well be done with the consent of the owner of the footage, but if necessary Police can take action to obtain this footage. The most common power and this would depend on each individual case, would be Article 21 of the Police and Criminal Evidence Order (1989). Warrants may also be obtained in certain circumstances to enter properties and search for evidence. Police may decide that it is necessary to seize CCTV footage to prevent it being concealed, lost altered or destroyed. If someone interferes or impedes with this process, they may be committing a number of offences. One of the more common offences that would be considered is Obstructing Police in the execution of their duty contrary to the Police (NI) Act 1998. Anyone with CCTV at their home which may cover a public space would also have an obligation to comply with relevant Data Protection Act legislation in line with European Directives on this matter and subsequent Court rulings (Article 3(2) of Directive 95/46/EC).

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.