



FREEDOM OF INFORMATION REQUEST



Request Number: F-2017-02093

Keyword: Crime

Subject: Theft of Home Heating Fuel

Request and Answer:

Question 1

How many thefts of 'heating oil' were recorded in the following years: 2014, 2015, 2016 and so far in 2017?

Question 2

How many thefts of 'heating oil' were recorded by postcode in 2016?

Question 3

How many thefts of heating oil were recorded by month in 2016?

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 not to supply some of the information you have requested and the reasons for this are set out in more detail below.

I have today decided to:

- disclose information in response to questions 1 and 3 in full and
- fully exempt information in response to question 2 pursuant to the provisions of Sections 31 and 40 of the FOIA.

Section 17(1) of the FOIA requires the PSNI, 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 exemptions, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 31(1)(a)(b) Law Enforcement - the prevention or detection of crime or the apprehension of offenders.

Section 40(2) Personal Information.

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

Section 40 is an absolute, class-based exemption, therefore it is not necessary to evidence the harm caused by disclosure and a public interest test is not required.

The release of information under the FOIA is a release into the public domain and not just to the individual making the request. Once information is disclosed under the FOIA there is no control or limits as to who or how the information is shared with other individuals, therefore a release under the FOIA is considered a disclosure to the world in general.

The requested information contains personal information and the PSNI have withheld this under Section 40(2) by virtue of Section 40 (3)a(i) of the FOIA, which allows a public authority to exempt information when that information is personal data relating to someone other than the requestor, and its disclosure would contravene one of the Data Protection principles.

Personal data is regulated under the principles of the Data Protection Act 1998, and when information contains personal data about a third party it can only be released if disclosure would not breach any of the data protection principles.

Principle 1 is that personal data must be processed lawfully and fairly. It must be treated in a highly confidential manner and any public disclosure would be unlawful if there is a breach of that law of confidentiality.

On this occasion we consider that such a disclosure would be unfair as the victims of these crimes would have no expectation that this information would be released into the public domain. To break down the number of thefts of home heating fuel during 2016 by postcode may identify individual victims in postcodes where there are only 1 or 2 properties. Disclosure would therefore breach the first Data Protection principle which states that "Personal data shall be processed fairly and lawfully". The PSNI will not release information if to do so would breach the Data Protection Act therefore the information requested is withheld under S40(2).

Section 31 is a prejudice-based, qualified exemption, which means that in order to engage the exemption there is a requirement to articulate the harm that would be caused in releasing the requested information. Following that PSNI must consider the balance of the public interest in releasing the information against the public interest in withholding it.

Section 31 Harm

Disclosures under the FOIA are disclosures to the world at large and not just to the individual making the request. The information you have requested relates to theft of home heating oil broken down by postcode. To release such information to the general public would identify areas where larger numbers of such thefts occurred which may indicate a vulnerability in these areas. This would provide useful information to criminals and increase the risk of further thefts.

Public Interest Test

Section 31(1)(a)(b) Factors favouring release

The PSNI is charged with enforcing the law, preventing and detecting crime and bringing those to justice who engage in criminal acts. Release of details regarding where theft of home heating fuel occurred would allow individuals living in those areas to take greater precautions in keeping their property safe.

Section 31(1)(a)(b) Factors against release

Disclosure of this information could provide valuable information to criminals regarding where the highest number of theft of home heating fuel occurred. Criminals could use this to target addresses which they have identified as being vulnerable which could potentially lead to more crime being committed and individuals being placed at risk. If the PSNI were to release this information it could compromise our ability to prevent criminal acts or apprehend those involved in crime and to keep people safe.

Decision

The PSNI has considered the public interest factors above, and taking all of the circumstances of this request into account considers that the balance of the public interest test in section 31 favours withholding the information broken down by postcode.

Question 1

How many thefts of 'heating oil' were recorded in the following years: 2014, 2015, 2016 and so far in 2017?

Answer

Please see table below showing the number of recorded burglary and theft offences where the property stolen was home heating fuel between 1st January 2014 and 6th August 2017 broken down by year.

Year	Number
2014	539
2015	344
2016	233
2017 up to 6 th August 2017	149

Question 3

How many thefts of heating oil were recorded by month in 2016?

Answer

Please see table below showing the number of recorded burglary and theft offences where the property stolen was home heating fuel during 2016 broken down by month.

Month	Number
January	37
February	39
March	25
April	28
May	14
June	4
July	8
August	4
September	7
October	9
November	23
December	35

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.