



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-01504

Keyword: Crime

Subject: Child Sex Offences

Request and 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 and this is being provided to you. We further consider the information you seek in relation to arrested individuals known to have gone on to take their own life if held is exempt by virtue of section 38 of FOIA and have detailed our rationale as to why this exemption applies. We have also provided you with links to guidance issued by the Information Commissioner’s Office which we have followed in responding to your request.

Request 1

I would like to request the following information about your force for each of the last three years. How many arrests for child sex offences has your force made using, at least in part, evidence gathered by so-called paedophile hunter/vigilante groups?

Answer

2016	2017	01 Jan 18 to 27 Sep 18
0	70	71

Request 2

How many individuals arrested for child sex offences are known to have taken their own lives following their arrest?

Request 3

How many individuals arrested for child sex offences, following evidence gathered by so-called paedophile hunter/vigilante groups are known to have taken their own lives following their arrest?

Answer

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 38 (1) (a) (b) Health & Safety – endanger the physical or mental health of an individual or endanger the safety of an individual.

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 38 is a prejudice based qualified exemption which means that the legislators have identified that the harm (prejudice) in disclosure as well as the public interest considerations need to be evidenced and articulated to the applicant. In relation to the harm we consider would occur we have set out our views below.

Harm

Section 38 provides an exemption from disclosing information if such a disclosure would endanger any individual and is wide enough to include those members of the general public including those family members of the deceased.

A disclosure under the Freedom of Information Act is a release into the public domain and not just to the individual requesting the information. Once information is disclosed by FOI there is no control or limits as to who or how the information is shared with other individuals.

Public Interest Test

Factors Favouring Release – Section 38

Releasing the requested information would promote transparency and openness. Disclosure would improve the public's knowledge and understanding surrounding this incident.

Factors Favouring Retention – Section 38

Release of information that could identify deceased persons may expose their families to the risk of, or the fear of attack. Disclosure could result in a loss of confidence in the police service to protect individuals. Releasing the requested information could also cause upset and distress to the surviving relatives and close friends of the victim.

Decision

The Freedom of Information Act 2000 protects an individual's physical health and mental wellbeing whether the harm is real or perceived. PSNI consider that by releasing the information in relation to request 2 may have the potential to identify individuals who have to take their own lives leading to the identification of family members and pose a risk to their safety. Disclosure of this information could jeopardise the physical and mental well-being of family members. Intimidation, threats of harm and actual injury are still possible.

Disclosure of the details recorded has the potential to cause upset and distress to the remaining relatives or close friends of the deceased person/persons. The requirement to withhold information, the release of which may affect the health and safety of individuals, must take precedence over the important issues of public accountability and transparency.

All this means that, at this time, it would not be in the public interest to release the information requested.

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.psnj.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.