



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-00731

Keyword: Crime

Subject: Drink Spiking Incidents

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 some information to which your request relates and this is being provided to you. We further consider the information you seek in request number 2 is exempt by virtue of section 40 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 am writing to you to request the following information below under the Freedom of Information Act. I’m conducting an investigation around the amount of people who have had their drinks spiked. Please can you tell me how many incidents of drink spiking have been recorded in your area each year since 2016?

Answer

In the table below please find the number of Recorded offences where the victim reported their drink had been spiked.

Year	Number
2016	11
2017	8
2018	5

The information was extracted from the recorded crime database where an offence of administering poison to aggrieve, administering a substance with sexual intent and administering drugs to obtain intercourse were recorded from 1 January 2016 – 31 May 2018. Each of the records was read through to identify if they involved the victim’s drink being spiked. Please note that figures within the current financial year are provisional and will be subject to change. Please also note this information is based on data extracted from a live system and may be subject to change. It is dependent on the information having been input into the system in such a way as to identify those records that are relevant.

Request 2

Please can you provide the volumes, but also the Incident Number, Occurrence Number or other

form of unique reference number for each one?

Answer

In relation to the volumes this information is not recorded.

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 is as follows

Section 40(2)(a)(b) by virtue of Section 40(3)(A)(a) – Personal Information Information constitutes personal data and disclosure would contravene any of the Data Protection principles.

Section 40 (2) of the FOIA is an absolute exemption which means there is no requirement on the PSNI to consider whether there is a public interest in disclosure. It is an interface exemption and we must consider whether release of the information would breach the General Data Protection Regulations ('GDPR') or the Data Protection Act 2018 ('DPA'). Due to their being a limited number of recorded offences where the victim reported their drink being spiked, providing the Occurrence Number that has the date of the report contained within it has the potential, if released, to identify any person involved and constitutes their 'personal data' under the GDPR (Article 4) and DPA (Part 1 s.3), especially if used in conjunction with information which may already be in the public domain or which may appear in the public domain at some time in the future. All of the factors increase the risk of identification and breach of the individual's data protection rights.

Under the Freedom of Information Act, PSNI must consider if information can be released into the public domain. I 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)(a). As this information is 'personal data', PSNI considered whether disclosure would contravene any of the six data protection principles contained within the GDPR or DPA.

The six data protection principles are 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 any individual to release information about them, PSNI considered the likely expectations of those individuals and the nature of the information involved. Individuals must have confidence that their information is treated sensitively and appropriately by the PSNI. We consider those individuals would not have any reasonable expectation PSNI would disclose such information of this nature about them. We consider it would be extremely unfair to those individuals and therefore a breach of the first principle of data protection legislation.

In this instance I am satisfied that if released as public disclosure, this information would impact on the subjects' work and family life, would therefore be a breach of the Data Protection Act and as a result is withheld under S40(2).

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.

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.