



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-01895

Keyword: Organisational Information/Governance

Subject: Breakdown Of Sex Offenders

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 some of the information you seek in your request is exempt by virtue of sections 31 and 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

I would like to know a breakdown of how many Registered Sex Offenders live in the Mid & East Antrim council areas. The main areas, Ballymena, Larne, Carrickfergus & Cullybackey.

Answer

| | |
|---------------|----|
| Ballymena | 26 |
| Larne | 9 |
| Carrickfergus | 11 |

Please note: This information is only valid for this current request as the information is dynamic and will change as arrests are made or new cases come to light through proactive intelligence led policing

Information is withheld in relation to Cullybackey and the exemptions and rationale are provided below in explanation

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 exemptions, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

S31 (1)(a)(b) Law Enforcement – Information is likely to prejudice (a) the prevention or detection of crime (b) the apprehension or prosecution of offenders.

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

We have explained below in our response why these exemptions are engaged and the full text of exemptions can be found at www.legislation.gov.uk. Further guidance on how they operate can be located on the Information Commissioners Office website www.ico.org.uk.

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') Third party personal information in relation to witness statements, police personnel, forensics staff etc and this information constitutes their 'personal data' under the GDPR (Article 4) and DPA (Part 1 s.3).

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 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. This information is therefore exempt under section 40 (2) of the FOIA as it contravenes data protection legislation to release it and the PSNI has made the decision to withhold that information.

Section 31 is a prejudiced based, qualified exemption which means the PSNI must demonstrate harm in disclosure and consider the balance of the public interest in releasing information.

Harm

Releasing the number of registered sex offenders in a specific location with a smaller population has the potential to identify those individuals within the community and incite reprisals against them. There is also a likelihood of an individual being misidentified as a sex offender. Disclosure could put these individuals at risk and impact on their personal safety.

The possibility that registered sex offenders may be living in a community is an emotive subject and may lead to attempts to identify these individuals. There is also the possibility that unrest may result, and lead to individuals (whether innocent or guilty) being targeted in response to the release of the information.

The PSNI is currently trying to tackle punishment attacks on individuals believed to be sex offenders. There have been several incidents of threats and vigilante action against sex offenders and innocent parties even where no data has been disclosed.

The release of this information also has the potential to harm the existing relationships between MAPPA (Multi-Agency Public Protection Arrangements) partners and registered sex offenders. These relationships are based on trust and disclosure of any information connected to such relationships could have a detrimental effect on the whole process. If offenders become aware that information relating to registered sex offenders might be made available to the public, they may be less likely to co-operate with the arrangements for monitoring. This raises the risk that monitoring will be less effective and therefore the risk of re-offending is increased.

Public Interest Test

Factors Favouring Release – Section 31

The public would be better informed and enable them to take steps to protect themselves. Better awareness may assist in reducing crime and encourage the public in providing information.

Factors Favouring Retention – Section 31

Disclosure of this information could incite reprisals, tension and unrest within the community causing additional resources to be tasked to the area, leaving a reduced level of public protection in other areas.

If registered sex offenders become aware that this type of information is released by PSNI they could become concerned about being identified causing them to leave the area. The law enforcement role of police would then be compromised, as continued monitoring would prove difficult or impossible and re-offending could increase.

Decision

There is always a strong public interest in the accountability of the Service and in knowing that sex offenders are being monitored appropriately. However, in areas with a smaller population there is the potential to identify someone from information, either through a comparison of what is already in the public domain or as an incidental coincidence. There is a risk that release of the information could be used in conjunction with what is already known and assist the identification of the individuals concerned. Disclosure could incite reprisals against registered sex offenders or individuals mistaken to be them. The safety of individuals is of paramount importance and the PSNI will not divulge any information which could put lives at risk.

Release of the requested information would be likely to have a detrimental effect on the PSNI's law enforcement capabilities and the ability of the Service and outside agencies to monitor sex offenders effectively, impacting on police resources and hindering the prevention and detection of crime.

It is for these reasons that the public interest must favour withholding the requested 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.

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.