



FREEDOM OF INFORMATION REQUEST



Request Number: F-2021-00659

Keyword: Crime

Subject: Violence And Knife Crime

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 request numbers 3 and 4 are exempt by virtue of Section 30 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 1

Please can you supply: A breakdown of knife crime offences by individual Crime and Safety Partnership areas within the boundaries of your police force?

Request 2

A breakdown for the calendar years 2018, 2019, 2020 by individual Crime and Safety Partnership areas of knife crime offences, broken down by offence?

Answers to Request Numbers 1 and 2

In Northern Ireland there are no Crime And Safety Partnership areas.

However there are Policing and Community Safety Partnerships within in each of the PSNI's 11 Policing Districts, therefore PSNI records information based on these Districts.

Please find the information in the separate spreadsheet which provides a breakdown by selected offences where a knife/sharp instrument is involved by policing district and by offence type.

Please note that a sharp instrument is any object that pierces the skin (or in the case of a threat, is capable of piercing the skin), e.g. a broken bottle. The knife and sharp instrument figures presented are based on weapon details taken from a live operational system and are therefore may be subject to change

Request 3

A breakdown for the calendar years 2018, 2019, 2020 of knife crime offences giving the location data (latitude, longitude) of each offence?

Request 4

The location (latitude, longitude) data for each of the offences with the Home office codes 1, 2, 4/1, 5D, 8N, 8P, 8S, 34B broken down by crime code and calendar years 2018, 2019, 2020.

The crime codes mentioned correspond to:

- 1 Murder Violence against the person Homicide
- 2 Attempted murder Violence against the person
- 3A Conspiracy to murder
- 3B Threats to kill
- 4/1 Manslaughter
- 5D Assault with intent to cause serious harm
- 8N Assault with injury
- 8P Racially or religiously aggravated assault with injury
- 8S Assault with Injury on a Constable
- 34B Robbery of personal property

Answers to Request Numbers 3 and 4

In these requests you are seeking locations for individual offences based on specific longitude and latitude. PSNI provides data to 'Police.uk', who publishes it by allocating it within seven households to a snap point. The data is also anonymised to ensure that individual victims of crime cannot be identified and preventing a breach of data protection.

To assist we have provided a link below to the Police UK website:

[Police.uk](https://www.police.uk)

Whilst this published information does not fully respond to your specific requests, PSNI has made the decision to withhold the specific location data (in latitude and longitude) for each offence as it is linked to an investigation which we also consider it to be both identifiable and low level data. We have detailed our rationale for withholding the information below.

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:

Section 30(1)(a) – Investigations And Proceedings Conducted By Public Authorities –

Information held by a public authority is exempt information if it has at any time been held by the authority for the purposes of (a) any investigations which the public authority has a duty to conduct with a view to it being ascertained (i) whether a person should be charged with an offence, or (ii) whether a person charged with an offence is guilty of it

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

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 (2) of the FOIA is an absolute exemption which means there is no requirement on 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 constitutes '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 in a lawful and fair manner. 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 PSNI has made the decision to withhold that information.

Section 30 is a class based and qualified exemption which means that there is no requirement to evidence the Harm in release but that it is necessary to conduct a Public Interest Test.

Section 30 Public Interest Test

Factors Favouring Release – Section 30

Disclosure of the requested information could promote public trust in providing transparency and demonstrating openness and accountability into how investigations take place. Releasing the information may encourage the public and others to come forward to report criminal offences if they know that a proper investigation will be undertaken. All investigations involve the use of public funds and this could allow the public to make informed decisions about police procedures and the money spent in this business area.

Factors Favouring Retention –Section 30

The information requested is held for the purpose of investigations and therefore if PSNI were to release the requested information it could seriously compromise and undermine the investigations, thus hindering the course of justice and any release could result in the loss of evidence. There is a strong public interest in ensuring that all investigations have been undertaken professionally and rigorously by PSNI.

Whilst information may be released if it provides a tangible community benefit, for example to prevent or detect crime or to protect life or property, it is difficult to see how the information here will do so as it would not be in the public interest to release information which would in turn impact on police resources and lead to more crime being committed, placing individuals at risk and investigations and or the outcome of subsequent proceedings could be compromised.

Decision

On balance the requirement to withhold this information relating to any investigations must take precedence over the important issues of public accountability and transparency as by releasing this information which may affect the outcome of any court proceeding must take precedence. Although there is a public interest in the transparency of investigations, PSNI has a greater duty of care to all individuals involved in any investigation and the investigative role is of paramount importance and the Police Service will not divulge information that could identify individuals if to do so would adversely

affect any ongoing investigations.

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 Corporate Information Branch, 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 Corporate Information Branch, 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.psnipolice.uk

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