

Keeping People Safe



## FREEDOM OF INFORMATION REQUEST



**Request Number:** FOI-2021-00958

**Keyword:** Crime

**Subject:** Incidents of Femicide

### 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 that some of the information you seek in relation to request numbers 2, 3 and 5 are exempt by virtue of Sections 30, 38 and 40 of FOIA and have detailed our rationale as to why these exemptions 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.

### Clarification to you the Requester

What do you mean by the term femicide? PSNI do not have an official definition for femicide but we can offer information on women who have been victims of homicide if this is what is meant by the term femicide or alternatively you can provide your own definition of femicide and we can proceed based on your interpretation of the term.

### Clarification from you the Requester

To clarify, I would like to use the definition of femicide in which a woman has been killed by a man, between the dates 1 April 2018 – 31 March 2021.

### Request Number 1

I would like a list provided to me of all cases of femicide recorded by your force in the past 3 years, starting April 2018 and ending April 2021. I would like you to provide details only in instances in which the force has designated the death as a "femicide".

### Request Number 2

I would like the case number for each instance

### Request Number 3

The name of the victim if possible

### Request Number 4

The date the femicide was committed

### Request Number 5

A note as to whether an individual has been held accountable by being charged and/or prosecuted

## Answers

Please see the separate spreadsheet containing partial information in response to your requests.

The spreadsheet provides a list of the recorded instances of homicide/femicide from 1 April 2018 – 31 March 2021 and breaks this down by the order in which they occurred starting with the earliest, the date on which the offence was reported, the classification of the homicide/femicide and the date on which the offence occurred.

The records for female victims of homicide have been identified based on occurrence date – they will not match any published figures on homicide as the published figures are based on date of report to police. Where PSNI publish information on homicides, what is available in the publications would not be as detailed as requested in this FOI.

However PSNI have made the decision to exempt the serial / case numbers, victim names and the current assigned outcomes of each recorded 'homicide', as this information is considered to be low level and potentially identifiable for the reasons as articulated 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 investigation 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 38(1)(a)(b)– Health & Safety** – Information which would or would be likely to, endanger the physical or mental health of any individual or (b) endanger the safety of any individual

### **Section 40(2)(a)(b) by virtue of Section 40(3)(a)(i) – 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](http://www.legislation.gov.uk) and further guidance on how they operate can be located on the Information Commissioners Office website [www.ico.org.uk](http://www.ico.org.uk).

Section 30 is a qualified class based exemption and a public interest is required.

Section 38 is a prejudiced, class-based exemption which means PSNI must demonstrate harm in disclosure and consider the balance of the public interest in releasing the information.

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. We 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 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 and the material you have requested. Individuals must have confidence that their information is treated sensitively and appropriately by PSNI. The PSNI has a duty to protect the personal data which includes members of the public who report incidents and this type of data which may be embedded into a reference number which is unique to a particular incident into the public domain which could be used to identify persons will be unfair to any individual concerned. Members of the public must have confidence that their information is treated sensitively and appropriately. To provide the case / serial numbers of each incident is in itself not deemed personal data, however it is linked to particular details of an incident which an individual was involved in and to which police responded. Therefore to release the serial number along with the date, could subsequently lead to the identity of the individual/s concerned. We consider release of this information would be unfair to those individuals as it would not be in their reasonable expectation. PSNI therefore consider the exemption at Section 40 (2) to be engaged in relation to the requested information.

**The release of information under the Freedom of Information Act is considered 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 information is shared with other individuals, therefore a release under FOI is considered a release to the world in general.**

Please see the Harm provided below in relation to Section 38 and the public interest considerations for Sections 30 and 38.

### **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. Under this exemption PSNI will not put the families and friends of the victims into any further distress by releasing victim names through a FOI release.

Whilst there is a public interest in the transparency of investigations carried out by PSNI, to ensure they are being conducted appropriately, the Police Service also have a duty of care to all individuals involved in investigations to ensure effective law enforcement, and PSNI must ensure that information is not disclosed that could compromise an investigation.

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 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.

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 the outcome of subsequent proceedings could be compromised.

### Factors Favouring Release – Section 38

Releasing the requested information would promote transparency and openness; however public safety is of paramount importance to the PSNI and must always be considered so that the PSNI's ability to fulfil its core function of law enforcement is protected. PSNI would not wish to endanger the health and safety of any individual although disclosure would improve the public's knowledge and understanding surrounding each of these murders.

### Factors Favouring Retention – Section 38

Releasing the requested information could cause upset and distress to the surviving relatives and close friends of the victim. Disclosure of this information could result in a loss of confidence in the police service's ability to protect individuals as the risk to individuals would be significant.

### **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 releasing this information may affect the outcome of any court proceeding which 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 if to do so would adversely affect any ongoing investigations.

The requirement to withhold this information, the release of which may affect the health and safety of individuals must take precedence over the importance of public accountability and transparency. Any diminution of public assistance would hamper these investigations and detection of crimes and in time lead to a reduction in public confidence in the criminal process. PSNI consider that by releasing serial numbers, victim names and the current assigned outcomes of each recorded 'homicide' may have the potential to identify individuals and pose a risk to their safety.

On this basis it has been decided that the balance of the public interest favours withholding some of the information you have requested at this time.

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](mailto: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](http://www.psnipolice.uk)

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