



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2021-01287

**Keyword:** Crime

**Subject:** Hate Crimes Against Ethnic Groups

### Request and Answer:

Your request for information has now been considered. In respect of Section 1(1) (a) of the Act we 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 some of the information you seek 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

We understand there could be certain limitation in relation to the time/cost needed to retrieve the information in full on our FOI request.

But it would be difficult to believe if the Northern Ireland team cannot at least help us by provided month by month data (from 2019 to now) in relation to the type of hate crimes against which ethnic group.

### Clarification to Requester

To enable the Police Service of Northern Ireland (PSNI) to meet your request could you please provide further clarification on the following: Can you confirm if you are requesting information for the same groups as Request F-2021-00906 please where you specified:

'We seek the following information on racist hate crimes towards the following ethnic groups:

- Chinese
- East Asian
- South East Asian
- Asian
- "Oriental"
- Or any that had such appearance (set out above)
- (The "Relevant Groups")'

### Clarification received from Requester

I write to confirm this- yes please.

## Answer

In partial response to your request, please see the table below. The following table is based on all recorded offences with a racist hate motivation, where the victim's ethnicity falls under the 'Asian' ethnicity grouping, broken down by year for the period 2019 to 2021. All Asian ethnicity groupings have been provided.

	2019	2020	2021
<b>Indian</b>	33	19	4
<b>Pakistani</b>	14	14	3
<b>Bangladeshi</b>	8	3	1
<b>Chinese</b>	11	20	3
<b>Other Asian</b>	27	20	18
<b>Asian (historic classification)</b>	9	7	1
<b>Chinese, Japanese, SE Asian (historic classification)</b>	2	1	0

### Please 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.

The above data may be subject to human error where victims have been placed in an incorrect ethnic minority.

### Further information to note:

#### What is a hate motivated incident or hate motivated crime as recorded by the police?

Hate crime is defined as any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic. PSNI also use the principles of this definition to record non-crime hate incidents (see 'Hate Incident or Hate Crime' below).

#### Hate Incident or Hate Crime?

Police recorded crime data is a victim oriented approach to crime recording. A crime will be recorded as having a hate motivation where it meets the relevant definition provided above. Not all hate motivated incidents will result in the recording of a crime, as what has occurred in the incident may not be of the level of severity that would result in a crime being recorded. Where crimes with a hate abuse motivation are recorded, they are classified according to the Home Office Counting Rules and form a subset of the overall police recorded crime statistics.

Further details of the background and recording practice in relation to police recorded crime statistics are available in the User Guide to Police Recorded Crime Statistics. An explanation of what constitutes an incident and a crime is provided in Section 2.1 of this guide, while reference to hate motivated incidents and crimes is available in Section 6. These recording practices, methods of counting outcomes and allocation of crime types apply equally to crimes with a hate motivation.

## Definitions

### Race

A racial group can be defined as a group of persons defined by reference to race, colour, nationality or ethnic or national origins (this includes UK National origins i.e. Scottish, English,

Welsh and Irish) and references to a person's racial group refer to any racial group into which he/she falls. Racial group includes the Irish Traveller community.

## **The Perception Test**

Evidence is not the test when reporting a hate incident; when an incident or crime has been reported to police by the victim or by any other person and they perceive it as being motivated by prejudice or hate, it will be recorded and investigated as a hate incident or crime. The perception of the victim, or any other person is the defining factor in determining whether an incident is a hate incident, or in recognising the hostility element of a hate crime. Perception-based recording refers to the perception of the victim, or any other person. It would not be appropriate to record a crime or incident as a hate crime or hate incident if it was based on the perception of a person or group who had no knowledge of the victim, crime or the area, and who may be responding to media or internet stories or who are reporting for a political or similar motive.

The other person could, however, be one of a number of people, including: police officers or staff; witnesses; family members; civil society organisations who know details of the victim, the crime or hate crimes in the locality, such as a third-party reporting charity; a carer or other professional who supports the victim; someone who has knowledge of hate crime in the area – this could include many professionals and experts such as the manager of an education centre used by people with learning disabilities who regularly receives reports of abuse from students; a person from within the group targeted with the hostility, e.g., a Traveller who witnessed racist damage in a local park.

The PSNI is exempting a monthly breakdown of this data, 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 exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

### **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**

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 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 contained in the reports constitutes 'personal data' under the GDPR (Article 4) and DPA (Part 1 s.3).

**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.**

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 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. A monthly breakdown of the data requested would reveal low level data. Due to the sensitivity and vulnerability surrounding Hate Crime, low level data leads to the risk that individuals are identified. We consider the release of this information 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.

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.psni.police.uk](http://www.psni.police.uk)

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