



FREEDOM OF INFORMATION REQUEST



Request Number: F-2020-01482

Keyword: Crime

Subject: Women Killed Despite Previously Reporting Their Attacker

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 some of the information you seek is exempt by virtue of sections 30, 38 and 40 of FOIA and have detailed our rationale as to why these exemptions apply. 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

Please provide a breakdown of all cases where women have been killed despite previously reporting their attacker or other acts of violence against them to the police for the last five years.

I would prefer this information in a table, broken down under headings including:

- Deceased individual
- Date of death
- Reason for death
- Home address (as specific as possible)
- The number of previous reports linked to the attacker.
- Any reports of violence against the deceased, with details of the type of attack and dates
- Any other potentially connected reports made by the deceased, e.g. harassment, stalking, disorder, causing alarm.
- Any action taken by the PSNI linked to the woman's reports.

Answer

Please find below a table containing partial information in relation to your request.

Date of Death	Reason for Death	Number of previous reports linked to the attacker
12 th December 2015	Murder	1
31 st March 2016 – 3 rd April 2016	Murder	8
15 th May 2017	Murder	3
21 st October 2017	Murder	1
26 th April 2018	Murder	7
10 th March 2019	Murder	2

The remainder of your request is exempt and the reason for this is set out in more detail 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 and further guidance on how they operate can be located on the Information Commissioners Office website 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 is a class – based exemption, therefore it is not necessary to evidence the harm caused by disclosure or carry out a public interest test. When PSNI receives a request for information that constitutes the personal data about any individual, it must decide whether disclosure would breach Principle 1 of the Data Protection Act (the DPA), i.e. whether it would be fair and lawful to disclose the information. Whether it will be fair will depend on a number of factors including the reasonable expectations of the individuals involved, the balance between any legitimate public interest in disclosure and the rights and freedoms of the individual(s) concerned.

PSNI considered the material you have requested. The information requested relates to individuals who we believe would not have a reasonable expectation that their personal information would be released into the public domain through FOI. 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.

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 or the manner of their deaths 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 investigation to ensure that effective law enforcement and PSNI must ensure that information is not disclosed that 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 or 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 role 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 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 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 names of victim's, suspects and or perpetrators 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.

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.