



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-02015

Keyword: Crime/Incident Statistics Offences against a person

Subject: Assault on officers

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 of the information to which your request relates and some of this is being provided to you. We consider the information you seek in request number 1 is exempt by virtue of section 40 of FOIA and have detailed our rationale as to why this exemption applies below. We further consider the information you seek in request 2, 3 & 5 is exempt by virtue of section 21 of FOIA. This information is accordingly not been provided to you. We 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 1

Was the named person charged with a racially aggravated offence?

Answer 1

This information has been deemed exempt from release, and the reasons are outlined below.

Request 2

For the year 2021/22, please provide the number of assaults PSNI officers suffered.

Request 3

Please break down the number to show (i) the number who had violence inflicted upon them and (ii) the number who were made to think they were about to be attacked.

Request 5

Please provide all guidance to officers relating to what they should do if assaulted on duty.

Answers 2, 3 & 5

This information is available on the PSNI website and has consequently been withheld under Section 21 of FOI Act, the reasons are outlined 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 are listed below:

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

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'). There is information within the information you seek which can identify individuals including members of staff and individuals from other public authorities and police services across the UK, including their direct contact details. This information is 'personal data' under the GDPR (Article 4) and DPA (Part 1 s.3).

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 21(1) – Information reasonably accessible by other means – Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt 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.

Section 21 is an absolute class based exemption and no harm of public interest test is required.

Advice and Assistance for Request 2

In relation to our section 21 exemption above PSNI can advise that figures for Assault with injury on a constable and Assault without injury on a constable for each financial year 1998/99 to 2021/22 are publically available and published on the PSNI website. These figures represent assaults where the police officer was on duty at the time of the assault.

The most up to date published statistics on police recorded crime can be found using the link below. <https://www.psni.police.uk/inside-psni/Statistics/police-recorded-crime-statistics>

*See “Financial year update, period ending 31 March 2022, providing figures for 2021/22 (published 12 May 2022)” - Table 14 within the accompanying spreadsheet (violence against the person classifications 8S and 104).

Advice and Assistance for Request 3

The definitions of the offence classifications used within the published statistics can be found within the police recorded crime user guide, this appears on the same web page as the statistics however this link should allow for the guide to be accessed directly.

<https://www.psnipolice.uk/globalassets/inside-the-psni/our-statistics/police-recorded-crime-statistics/documents/crime-user-guide.pdf>

Advice and Assistance for Request 5

The PSNI’s ‘Nine Point Plan’ launched by the Chief Constable in March 2020, outlines procedures to be followed when a police officer or member of police staff is assaulted in the course of their duty. You can access using the link below.

<https://www.psnipolice.uk/news/Latest-News/020420-psni-introduce-new-nine-point-plan/>

Request 4

Please provide the number of officers who required hospital treatment following assaults.

Answer 4

From the 1st April 2021 until the 31st March 2022 a total of 57 police officers required hospital treatment following assaults.

These figures may NOT be a true reflection of ALL incidents where an assault on police took place, only those that were then followed up with an “accidents/incidents” submission form.

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.

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 remain dissatisfied with the handling of your request, you may make a complaint to the Information Commissioner’s Office, under Section 50 of the Freedom of Information Act, 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’, or use the ICO self-service portal available at www.ico.org.uk/make-a-complaint/officialinformation-concerns-report/official-information-concern/

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 their 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.