

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: FOI-2020-02306

Keyword: Operational Policing

Subject: Missing Sex Offenders

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 information to which your request relates and this is being provided to you. We further consider the information you seek in request number two is exempt by virtue of section 40(2) 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

As of December 1st 2020, how many registered sex offenders were classified as either missing / wanted / whereabouts unknown within your force?

Answer

As of the 1st December 2020, there are 10 registered sex offenders who are classified as missing, wanted or whereabouts unknown.

Request 2

Please could you list each by name?

Answer

PSNI are exempting this information 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, as well as the factors the Department considered 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 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 as '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 under 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 'lawful and fair' to any offender to release their name into the public domain, PSNI considered the likely expectations of those offenders and the sensitive nature of the information.

The public must have confidence that the personal data of all individuals including offenders is treated appropriately by the PSNI. The PSNI has a duty to protect the personal data of all members of the public. This type of information being released into the public domain will be used to identify registered sex offenders, which will be unfair to the individuals concerned. As the release of this information will leave these individuals vulnerable to threats and harm. We consider it would be extremely unfair to those individuals and therefore it would be a breach of the first principle of data protection legislation, as we consider those individuals would not have any reasonable expectations that PSNI would disclose information of this nature relating to them e.g. 'their names'. This information is exempt under section 40(2) of the FOI Act as the release of this personal data would contravene data protection legislation and pose a significant risk to the offender, therefore the PSNI have made the decision to withhold it.

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.

Request 3

Please could you also list the year they went missing?

Request 4

If unable to do (1) and (2), please could you tell me: out of all sex offenders who are currently missing, what is the longest period of time that any of them has been missing for?

Answers 3 and 4

In 2018 = 1, 2019 = 4 and in 2020 = 5.

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.