



FREEDOM OF INFORMATION REQUEST



Request Number: F-2023-00549

Keyword: Policing Themes, Operations and Investigations Historical and Legacy Information

Subject: Paramilitary Style Attacks 1998 to 2023

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 the information you seek in relation to Request 2 is partially exempt, Request 3 is fully exempt and Request 4 is partially exempt by virtue of Section 40 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

I am writing to request information relating to paramilitary style attacks in Northern Ireland. I have previously received information from FOI request FOI-2021-01609. This current request is to bring the previous data who to 2023.

Therefore I would like to request data in relation to paramilitary style attacks between April 10th 1998 and February 14th 2023. In these data it would be preferable if this could contain the following:

Request 2

Date of attack

Request 3

Time of attack

Request 4

Location of attack (street name, postcode etc)

Request 5

Weapon(s) used (understanding that this is only available from June 2015)

Request 6

Injuries sustained

Request 7

Number of death(s) (understanding these are counted as 'security related deaths')

Request 8

Gender of victim

Request 9

Age of victim

Request 10

Loyalty/Republican attribution for each attack

This information is requested for academic research purposes.

Answers to Request 1-6 and 8-10

Please see the separate excel spreadsheet which provides the information requested for Paramilitary style attacks from April 10th 1998 to February 14th 2023.

The information contained within the spreadsheet has been provided in uncorrelated 'Tabs' as the information is considered 'low level data' and therefore may be identifiable. Please note that both the Tabs are also uncorrelated with each other.

Within Tab 1 the data provided includes the following fields: Date of attack, type of attack, location of attack and attribution.

Within Tab 2 the data provided includes the following fields: Weapons used, injuries sustained, the age and gender of victims.

Please note the following:

- Attribution data contained in Tab 1 is perceived by the Police Service of Northern Ireland based on the information at the time of the incident and does not necessarily indicate the involvement of a paramilitary organisation.
- The type of weapons provided within Tab 2 are not validated, any specific weapon(s) used during a paramilitary style assault is recorded in an easily retrievable format from June 2015. The type of weapon recorded for paramilitary style shootings is 'firearm'.
- The data provided on injuries within Tab 2 are those recorded by the Police Service of Northern Ireland at the time of the incident. The injuries inflicted are not validated.
- The data provided for the period after 1 April 2022 is provisional and subject to change.

However we have made the decision to fully exempt the time of attack and partially exempt the date from row 164 onwards of the attached spreadsheet including partial release of the location as we consider in conjunction with the data being provided it is low level and identifiable. 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 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 and further guidance on how they

operate can be located on the Information Commissioners Office website www.ico.org.uk.

Section 40 (2)

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. In your request for records you are requesting specific information regarding paramilitary attacks such as the date, time and location of incidents and PSNI must consider if information can be released into the public domain. We considered that disclosure of all the data requested is subject to exemption as the information is 'low level data' and those individuals would not have any reasonable expectation PSNI would disclose such information of this nature about them. To provide the time of attack will significantly increase the potential for harm, although the time of attack is in itself not deemed personal data, it is linked to particular details of an incident which an individual was involved in. In addition to release the full postcode would provide full details of where the incident took place. Therefore to release the time of an attack, along with the day/month/year, incident type and full postcode, could subsequently lead to the identity of the individual/s concerned. Individuals must have confidence that their information is treated sensitively and appropriately by PSNI. We consider it would be extremely unfair to those individuals and therefore a breach of the first principle of data protection legislation. The PSNI have therefore made the decision to fully exempt the time of attack and partially exempt the date/location under Section 40 (2) of the FOIA as it contravenes data protection legislation to release 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 7

Number of death(s)

Answer

Paramilitary style attacks that result in death are counted as 'security related deaths' and are not recorded as paramilitary style assaults/shootings. In relation to security related deaths, there were 155 security related deaths between April 10th 1998 and February 14th 2023.

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 Corporate Information Manager, Corporate Information Branch, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.police.uk.

If, following an Internal Review carried out by an independent decision maker, you remain unhappy about how your request has been handled you have the right to apply in writing to the Information Commissioner, under Section 50 of the Freedom of Information Act, at 'Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. There are a number of other platforms you can use to contact the ICO and these can be found on the ICO's website at the following link: [Make a complaint | ICO \(https://ico.org.uk/make-a-complaint/\)](https://ico.org.uk/make-a-complaint/).

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.