



FREEDOM OF INFORMATION REQUEST



Request Number: FOI-2023-00651

Keyword: Crime/Incident Statistics Sexual Offences

Subject: 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 some information to which your request relates and this is being provided to you. We further consider the information you seek in request number 3 is exempt by virtue of section 31 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 requests.

Request 1

As of 22/02/2023 how many convicted sex offenders whereabouts are currently unknown?

Answer

In relation to the number of convicted sex offenders whose whereabouts are unknown, the PSNI, has as of the date of your request, 8 convicted sex offenders currently recorded as 'wanted for arrest' and whose whereabouts are unknown.

This total is only valid for the date in question because the information is dynamic and will change as arrests are made or new cases come to light through proactive intelligence led policing or routine visits to registered offenders.

Request 2

Please list when offenders went missing?

Request 3

Please list nature of offenders' crimes? i.e. rape, murder, abuse of child.

Answer

In response, please see below data you are entitled to.

The aforementioned 8 convicted sex offenders are not considered 'missing', but are 'wanted for arrest':

Wanted Sexual Offender	Date Wanted From	Nature of Offenders' crimes
1	Dec 2018	Revocation of Licence, and wanted concerning offences contrary to the Sexual Offences Act 2003 (notification requirements)
2	Oct 2019	Wanted on Warrants
3	Dec 2020	Wanted on Warrant, and concerning offences contrary to the Sexual Offences Act 2003 (notification requirements)
4	June 2021	Wanted on Warrant, and concerning offences contrary to the Sexual Offences Act 2003 (notification requirements)
5	Sept 2021	Wanted concerning offences contrary to the Sexual Offences Act 2003 (notification requirements)
6	Nov 2021	Wanted on Warrant
7	Jan 2022	Wanted concerning offences contrary to the Sexual Offences Act 2003 (notification requirements)
8	Dec 2022	Wanted on Warrant, and concerning offences contrary to the Sexual Offences Act 2003 (notification requirements)

The PSNI are withholding specific crime information, for the reasons 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 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.**
- **Section 31(1) (a) (b) - Information held by a public authority is exempt if its disclosure under the Act would or would be likely to prejudice (a) the prevention or detection of crime or (b) the apprehension or prosecution of offenders.**

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 specific crime information is subject to the exemption under Section 40(2) of the Freedom of Information Act 2000 by virtue of s40 (3)(A)(a). The relevant business area has confirmed that disclosing this information may lead to the identification of individual offenders. 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 personal information 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. This information is therefore 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.

Section 31 is a qualified and prejudiced based exemption and this means that it is the public authority's responsibility to evidence the harm and conduct a public interest test.

Harm

A release under FOIA is a release into the public domain and PSNI must consider this threshold in responding to your request. The disclosure of specific crime information would likely compromise the PSNI's law enforcement abilities. To release specific crime information could potentially harm ongoing criminal investigations, associated proceedings and corresponding law enforcement activity to locate, apprehend or prosecute one of these 'wanted' offenders. This would directly impact on the PSNI's ability to prevent or detect crime and to apprehend and prosecute offenders.

Consequently, the associated crime information has been outlined in a more generic format, so as to proportionately provide contextual information whilst reducing the opportunity for potential harm toward the investigation or law enforcement activity.

PSNI considered the following public interest factors:

Public Interest Test

Factors Favouring Disclosure – Section 31

The PSNI is charged with enforcing the law by preventing and detecting crime, apprehending offenders and protecting the communities we serve. There is a public interest in PSNI being transparent and accountable in the procedures and tactics used for preventing crime and bringing to justice those who engage in criminal acts. Disclosure of the specific crime information relating to convicted sex offenders could increase transparency and reassure the public that PSNI are using resources appropriately to enforce the law and ensure individuals are kept safe.

Factors Favouring Retention – Section 31

If such information was released into the public domain, ongoing criminal investigations risk being prejudiced. This would thereby hinder the PSNI's ability to prevent and detect crime, apprehend and prosecute offenders. There is a strong public interest in not undermining the effectiveness in PSNI's law enforcement capability.

Decision

The PSNI as an organisation must ensure that law enforcement is not adversely affected by the release of this material. In this case PSNI are satisfied that the exemption outlined above is engaged and the public interest favours maintaining the exemption.

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 4

Please state where offender is believed to have absconded to?

Answer

This is an invalid request, as per section 8(1) (c) of the FOI Act. A request for information under the FOI Act needs to be a request for factual / recorded information. We note that this request is asking the PSNI for an opinion, rather than recorded information.

You may wish to submit a new valid request, which would be considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.

To assist, please see below a link to the ICO Guide to Freedom of Information:

<https://ico.org.uk/for-organisations/guide-to-freedom-of-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 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.

