



Heddlu Police

DYFED-POWYS

FOI Reference: 684/2018

Request:

Date Range 22ND August 2017 and 22nd August 2018

(A) Between the above 2 dates how many homicides (Murder & Manslaughter) offences have been investigated by your force

(B) How many of the total number of investigations have led to a person being, charged with an offence of Murder and/or Manslaughter

(C) How many of the number in B above have been in the following age brackets
10 to 15yrs 16-19yrs 20-25yrs 26+

(D) How many of the total number of investigations in A remain unsolved for the purpose of this FOI unsolved is taken to mean no arrests have been made and no person has currently been released " under investigation"

(E) What was the ethnicity sex and age of the victim

(F) What was the ethnicity and sex of the person charged

Response A:

I can confirm that Dyfed-Powys Police does hold the information requested, the details of which are as follows:

- There were a total of seven (7) murder/manslaughter crimes for the period of 22/08/17 – 22/08/18

Response B:

I can confirm that Dyfed-Powys Police does hold the information requested, the details of which are as follows:

- There were a total of three (3) murder/manslaughter crimes for the period of 22/08/17 – 22/08/18 that led to an individual being charged for murder or manslaughter.

Response C:

I can confirm that Dyfed-Powys Police does hold the information requested, the details of which are as follows:

Age group (years)	Total
10 -15	0
16 - 19	1
20 - 25	0
26+	2

Response D:

I can confirm that Dyfed-Powys Police does hold the information requested, the details of which are as follows:

- There are a total of four (4) murder/manslaughter crimes which are classed as ongoing

Response E:

I can confirm that Dyfed-Powys Police does hold the information requested, however a Section 30(1)(a) has been applied to some of that information (an explanation of the applied exemption can be found at the end of the document).

Ethnicity of victims	Sex of victims	Age of victims
2 x White North European	2 x Female	1 x 28
1 x Not recorded	1 x Male	1 x 52
4 x Section 30(1)(a) applies	4 x Section 30(1)(a) applies	1 x 54
		4 x Section 30(1)(a) applies

Response F:

I can confirm that Dyfed-Powys Police does hold the information requested, the details of which are as follows:

Ethnicity of individual charged	Sex of individual charged
Section 40(2) applies	3 x Male

Explanation of the applied exemptions

Section 30(1)(a) Investigations and Proceedings conducted by Public Authorities

The Section 30 exemption is a class-based qualified exemption. This means that the legislators when writing the legislation considered that the release of such information under the Freedom of Information Act 2000 would cause harm to the public authority or individual concerned. There is therefore no requirement to carry out a HARM Test in respect of such information. However there is a requirement to carry out a Public Interest Test in order to

establish whether the public interest in maintaining the exemption may be outweighed by a wider public benefit in disclosure.

Section 30(1)(a) Investigations and Proceedings conducted by Public Authorities

(1) 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.

Public Interest Test

Considerations favouring disclosure:

Disclosure of the information would improve the public's knowledge and understanding of the investigatory process and, as all police investigations are publically funded, would show how public funds are being spent. Murder investigations are highly emotive and attract large media interest, therefore disclosure of the information would show the public that the investigation had been conducted properly.

Considerations favouring non-disclosure:

This exemption covers information held at any time for the purpose of an investigation, whether the case is ongoing, closed or abandoned. In addition to this, there are already in place established procedures for disclosure when to do so would aid an investigation, for example an appeal for witnesses through media channels. Disclosure of the requested information would prejudice how investigations are carried out in the future, which in turn would undermine an individual's right to a fair trial. This would hinder the prevention and detection of crime which would affect the forces future law enforcement capabilities.

Balance Test

Disclosure under the Act is a disclosure to the world not just to the individual making the request and although the way the Police conduct investigations, especially high-profile murder investigations should be transparent and shared with the public. The proper detection, investigation and prosecution of crimes are cornerstones of a modern democratic society. The Police Service will never divulge information if it will hinder that core responsibility and prejudice how investigations are carried out in the future, which in turn would undermine an individual's right to a fair trial. Therefore in this case, the balance lies in favour of non-disclosure of the requested information.

Section 40(2) Personal Information:

Explanation of the applied exemption – Section 40(2) Personal Information

Section 40(2) applies to third party personal data and is exempt from disclosure under the Freedom of Information Act 2000 if disclosure, in relation to data subject to law enforcement processing, would breach any of the data protection principles contained within Part 3 - Chapter 2 of the Data Protection Act 2018. Under Section 34 within Chapter 2 "The Controller in relation to personal data is responsible for and must be able to demonstrate, compliance with" Chapter 2. Such information would not be released under the Freedom of Information Act 2000 unless there is a strong public interest. One of the main differences between the Freedom of Information Act 2000 and the Data Protection Act 2018 is that any information released under FOI is released into the public domain, not just the individual

requesting the information and disclosure under the Act must be made with that in mind. As such, any release that identifies an individual through releasing their personal data, even third party personal data is exempt.

Personal data is defined under Section 3 of the Data Protection Act 2018 as:

“(2) ‘Personal data’ means any information relating to an identified or identifiable living individual (subject to subsection (14)(c)).

(3) ‘Identifiable living individual’ means a living individual who can be identified, directly or indirectly, in particular by reference to—

(a) An identifier such as a name, an identification number, location data or an online identifier, or

(b) One or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.”

All members of the public including those employed by the force have an intrinsic right to privacy and these rights are protected by virtue of the Human Rights Act, the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) and a public authority must not interfere with that right. Any release of the information subject to the exemption is likely to compromise those rights.

Data Protection Act 2018

Part 3 – Law Enforcement – Chapter 2 Principles Section 35

The first data protection principle:

“(1) The first data protection principle is that the processing of personal data for any of the law enforcement purposes must be lawful and fair.”

General Data Protection Regulation

Article 5 of the GDPR – ‘Principles relating to processing of personal data’ provides:

“1. ‘Personal data’ shall be

(a) Processed lawfully, fairly and in a transparent manner in relation to the data subject (‘lawfulness, fairness and transparency’);

(b) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest...

2. The controller shall be responsible for, and be able to demonstrate compliance with, paragraph 1 (‘accountability’).”

Dyfed-Powys Police would not want to disclose any information that could potentially identify an individual. In this particular case, to release the ethnicity details of an offender would lead to the identification of that individual. To release such information would be a direct breach of Data Protection legislation as a consequence I am satisfied that Section 40(2) Personal Information exemption is applicable to the release of the information.

The Section 40 exemption is a class-based exemption. This means that the legislators when writing the legislation considered that the release of such information under the Freedom of Information Act 2000 would cause harm to the public authority or individual concerned. There is therefore no requirement to carry out a HARM Test in respect of such information.

The Section 40 exemption is in part qualified and in part absolute, in the present case it would be absolute as to release the information would breach Data Protection legislation and therefore there is no requirement to carry out a public interest test.

It should be noted that owing to the systems adopted by Dyfed-Powys Police in relation to the recording of such matters the information provided may or may not be accurate.

Police Forces in the United Kingdom are routinely required to provide crime statistics to government bodies and the recording criteria is set nationally. However, the systems used for recording these figures are not generic, nor are the procedures used locally in capturing the data. It should be noted that for these reasons this Force's response to your questions should not be used for comparison purposes with any other response you may receive.

(This is a response under the Freedom of Information Act 2000 and disclosed on 01/10/18)