

15 August 2024

REFERENCE: FOI24\93

Dear Sir,

Thank you for your request for information dated 8th August 2024, as detailed below.

'I would like to obtain the following details regarding sexual offenders currently residing in County Fermanagh:

- 1. *The total number of individuals convicted of sexual offences.**
- 2. *The total number of individuals who are subject to Sexual Offences Prevention Orders (SOPOs).**
- 3. *A breakdown of these individuals by town and village within County Fermanagh.*'*

The Department of Justice does not hold information on the current address of those convicted of a sexual offence. However, such information may be recorded in relation to persons who have been convicted of a sexual offence and who are subject to statutory notification requirements, commonly known as 'the Sex Offenders Register'. The operational management of persons required to notify in this regard is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. The Department is committed to respecting the operational independence of the Chief Constable and the role of the Northern Ireland Policing Board.

You may, therefore, wish to direct any query relating to the issues based on current residence raised in the question to the PSNI. They can be contacted at foi@psni.police.uk.

The Department does however, hold information on the numbers of convictions for sexual offences at courts and for offences where a Sexual Offences Prevention Order was handed down as part of a sentence following conviction. Information has been provided in relation to convictions at courts for the period 2021 – 2023, where the defendant had an address in County Fermanagh at time of conviction.

Convictions at courts for sexual offences for defendants with an address in Co. Fermanagh at time of conviction, 2021 – 2023

Year	Convictions
2021	6
2022	6
2023	10

Note:

1. Figures relate to initial disposals at courts. Appeals are not included.
2. Figures relate to cases where there was a conviction for at least one sexual offence.
3. Figures relate to cases where the defendant had an address with a Fermanagh postcode at time of conviction.

Cases where a Sexual Offences Prevention Order was imposed following a conviction at court for defendants with an address in Co. Fermanagh at time of conviction, 2021 – 2023

Year	Convictions
2021	*
2022	*
2023	5

Note:

1. Figures relate to initial disposals at courts. Appeals are not included.
2. Figures relate to cases where a Sexual Offences Prevention Order was imposed for at least one offence at conviction.
3. Figures relate to cases where the defendant had an address with a Fermanagh postcode at time of conviction.

* means a figure of less than 3 has been suppressed under rules of disclosure.

As part of your request you asked for a breakdown of information provided by town and village of residence of the individuals concerned. The information you have requested constitutes criminal conviction data of third parties as defined under Article 10 of the General Data Protection Regulation. Furthermore, the Department has determined this information is held for law enforcement purposes as defined by Part 3 of the Data Protection Act (DPA) 2018. Under Part 3 of the DPA 2018, information can only be released if the data subject (the person convicted) has provided consent for details of their conviction to be publicly released. Alternatively, a competent authority (the Department of Justice in this case) may release the information for the performance of a task necessary for law enforcement purposes.

The Department has determined that neither of these conditions has been met and therefore to release the requested information would contravene the first data protection principle, as it would constitute processing personal information in a manner that was both unfair and unlawful. It would also contravene the second data protection principle as the personal information would be processed for a purpose (ie public release) which it was not originally collected for (law enforcement).

For these reasons, I regret to advise you that, due to the small numbers involved, the breakdown of information you have requested cannot be provided, as disclosure could lead to the identification of individuals. Therefore, the Department considers the information you have requested is exempt from disclosure under Section 40(2) (Personal information) of the Freedom of Information Act 2000. As the information requested relates to individuals sentenced in court, the Department also considers that the information you have requested constitutes a court record and would be exempt under s32 (Information held as a court record) of the FOI Act. S32(1)(a) of the FOI Act states:

*Information held by a public authority is exempt information if it is held only by virtue of being contained in –
any document filed with, or otherwise placed in the custody of, a court for the purposes of proceedings in a particular cause or matter.*

If you are unhappy with the result of your request for information you may request an internal review within two calendar months of the date of this letter. If you request an internal review please do so in writing stating the reasons to the address above.

If following an internal review you were to remain dissatisfied you may make a complaint to the Information Commissioner and ask the Commissioner to investigate whether the DoJ has complied with the terms of the FOIA. You can write to the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

The Commissioner will not investigate a complaint unless an internal review procedure has been carried out.

Further details on the role of the Information Commissioner and the handling of appeals can be found at: www.informationcommissioner.gov.uk

If you wish to discuss this please contact the Freedom of Information Team using the contact details provided at the top of the first page. Please remember to quote your reference in any correspondence.

Yours sincerely

Freedom of Information Manager