

15 August 2024

REFERENCE: FOI\24\94

Dear Sir,

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

'I would like to request the following information concerning drink driving offences in County Fermanagh over the past three years:

- 1. The total number of individuals charged to court for drink driving in County Fermanagh, broken down by each of the past three years.*
- 2. The number of those charged who were subsequently sentenced, again broken down by each of the past three years.*
- 3. Details of the sentences given to those convicted, including the type and length of the sentence.*
- 4. If available, the names of those sentenced as a matter of public record, along with the town and county they reside in. Each name should be listed beside the corresponding sentence.*

I would appreciate it if you could provide this information in a format that details each year separately for clarity.'

In relation to parts 1 to 3 of your request, the Department of Justice does not hold information on the location of offences as part of its prosecutions and convictions datasets, so information has been provided on the basis of the address of defendants at the point of conviction.

In relation to part 1 of your request, this has been interpreted as those who were prosecuted at courts for drink driving offences, whether that prosecution resulted in a conviction or not.

Prosecutions and convictions for drink driving offences for defendants with address in Co. Fermanagh at date of conviction, 2021 - 2023

Year	Prosecutions	Convictions
2021	83	81
2022	91	84
2023	75	67

Main disposals imposed at conviction for drink driving offences for defendants with address in Co. Fermanagh at date of conviction, 2021 - 2023

Main disposal	2021	2022	2023
Imprisonment	*	-	*
Suspended Custodial	11	8	#
Community sentence	#	#	*
Monetary Penalty	64	68	58
Other	-	*	*
Total	81	84	67

Town of residence of those convicted of drink driving offences for defendants with address in Co. Fermanagh at date of conviction, 2021 - 2023

Town	2021	2022	2023
Enniskillen	37	28	29
Other	44	56	38
Total	81	84	67

Note:

1. Figures relate to initial disposals at courts. Appeals are not included.
2. Figures relate to cases where there was a prosecution or conviction for at least one drink driving offence.
3. Figures relate to cases where the defendant had an address with a Fermanagh postcode at time of conviction.
4. Figures for disposals relate to main disposal imposed in each case only.
5. Due to the small numbers concerned, in relation to individual settlements, information in relation to town/village associated with defendants' addresses has been provided in relation to 'Enniskillen' and 'Other'.

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

The most severe sentence handed down in these cases was a 5 months' imprisonment term, with a driving disqualification of 7 years. The least severe disposal imposed in these cases was a driving disqualification of 1 year.

In part 3 and 4 of your request, you requested information based on the names of those sentenced for drink driving offences, as well as a quantitative element of disposals imposed. 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 the information you have requested cannot be provided in relation to the above request, 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