

29 April 2025

REFERENCE: FOI\25\46

Dear Sir,

Thank you for your request for information dated 19th April 2025, as detailed below.

‘Please provide me with a breakdown of the number of individuals and companies convicted by water pollution incidents in NI. Please provide an annual breakdown between 2020-2024 of the names, as well as location of the court the conviction took place in and how much they were fined’

Departmental convictions datasets do not hold information in relation to the circumstances in which an offence occurred, so it is not possible to determine all instances where there was a conviction for an offence related to a water pollution incident. Therefore, for the purposes of this request, offences relating to water pollution have been interpreted as offences falling under the Water (Northern Ireland) Order 1999. During the period 2020 – 2024, there were 63 convictions for offences prosecuted under this legislation. Information in relation to the court offices that dealt with the cases is provided in the table below.

Convictions for offences under the Water (Northern Ireland) Order 1999 by court office, 2020 – 2024

Court Office	2020	2021	2022	2023	2024
Antrim	*	*	*	*	0
Armagh	0	*	*	0	0
Ballymena	*	*	*	0	0
Coleraine	*	0	4	0	0
Craigavon	*	3	*	0	*
Downpatrick	0	*	*	*	*
Dungannon	0	*	0	#	0
Enniskillen	*	0	4	4	*
Laganside	0	0	0	*	0
Lisburn	*	0	*	0	0
Londonderry	*	0	0	*	0
Magherafelt	0	3	*	*	*
Newry	0	0	*	0	*
Newtownards	0	0	0	0	*
Omagh	0	*	*	0	5
Strabane	*	*	0	0	0
Total	7	14	18	12	12

Note:

1. Figures for convictions relate to initial disposals at court. Appeals are not included.
 2. Figures relate to defendants who were convicted at court for at least one offence under the legislation specified.
 3. Figures relate to cases prosecuted by PPS on behalf of all Government bodies.
 4. Figures for 2024 are based on management information and should be considered provisional.
- * means a figure of less than 3 has been treated under rules of disclosure.
- # means a figure of 3 or more has been treated to prevent disclosure of a small number elsewhere.

Fines imposed as a result of these convictions ranged from £200 to £10,000. The Department is unable to provide details on how much each individual/company was fined, following conviction, as this would be disclosive (see below for further explanation). Instead, information on fines imposed has been provided on the 5-year period overall, and in banded amounts.

Fines imposed as a result of a conviction for offences under the Water (Northern Ireland) Order 1999, 2020 – 2024

Fine Amount	Cases
£1 - £499	8
£500 - £999	19
£1,000 - £1,499	15
£1,500 - £1,999	5
£2,000 - £2,999	5
£3,000 - £4,999	#
£5,000 and over	6
Other Disposal	*
Total	63

Note:

1. Figures for convictions relate to initial disposals at court. Appeals are not included.
2. Figures relate to defendants who were convicted at court for at least one offence under the legislation specified.
3. Figures relate to cases prosecuted by PPS on behalf of all Government bodies.
4. Figures for 2024 are based on management information and should be considered provisional.

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The information requested on the quantitative element of fines imposed 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 have been met and, therefore, to release the requested information at individual level would contravene the

first data protection principle, because it would constitute processing personal information in a manner that was both unfair and unlawful. It would also contravene the second data protection principle, because 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, at individual conviction level, 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. Furthermore, since your request relates to individuals sentenced in court, the Department also considers that this information 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