



Department of
Justice
An Roinn Dlí agus Cirt
Máinnystrie O tha Laa
www.justice-ni.gov.uk

Department of Justice
Records & Information Team
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6th May 2022

Dear Sir,

Thank you for your request for information dated 6th April 2022 and detailed below.

Under the Freedom of Information Act 2000, could you therefore kindly inform me if the State Pathologist's Department holds a copy of the post mortem photographs for Thomas Jamison. If this is the case, could you please communicate that information to me by no later than the twentieth working day following the date of receipt of the present request.

The Freedom of Information Act 2000 gives you two rights of access when you write to us asking for information. You have the right to know whether we hold the information that you are looking for, and you have the right to have the information given to you. These rights may only be overridden if the information you are looking for is covered by an exemption in the Act.

The Department has considered your request in line with these obligations and can advise that after appropriate searches, information in scope of your request has been located. It should be noted that any information provided in accordance with the Department's obligations under the Freedom of Information Act, is a release of information to the public at large. As your request relates to the provision of photos relating to a post mortem, the Department has therefore considered the potential harm caused to members of the public who might view this material, including relatives of the



deceased. In the Department's view the potential harm to individuals caused by the release of photos outweighs any public interest in their public disclosure.

For this reason, the Department considers that the requested information should be withheld in accordance with s38(1)(a) of the Freedom of Information Act 2000, this states that information can be exempted if its disclosure '*would, or would be likely to – endanger the physical or mental health of any individual...*'.

In order to apply s38, a public interest test must be carried out and details of this are provided below:

In favour of release:

There is a general public interest in transparency and openness in how Government works. The public have an expectation that those who work in the public sector should be accountable for decisions made in their name and at the tax payers' expense. The public may also believe they have a right to know who works in which post within a public authority.

In favour of non-disclosure:

The information requested relates to post mortem photographs. Given the nature of this information, there is potential for harm to be caused to members of the public who might view the images. This would particularly be true of family members and former friends of the deceased.

Conclusion:

Given the clear risk of harm to individuals who might view the post mortem photos, the Department has decided that this risk outweighs any possible public interest in the release of the photos and for this reason they should be withheld from public disclosure.

If you believe that our final reply is not in accordance with the Freedom of Information Act 2000 you may ask for an internal review within two calendar months of the date of



our final response. If you request a review you should do so in writing stating the reasons.

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 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

Yours sincerely

Records & Information Manager

