



Response Date:08/10/2024

2024/915 - Sex offenders register

In response to your recent request for information regarding;

1. How many people have been removed from the sex offenders register and then re-offended?

2022: 0

2023: 0

2. How many applications a year are there from people wishing to be removed from the sex offenders register?

2022: 7

2023: 1

3. How many applications are successful each year to be removed from the sex offenders register? Please give the date of removal and date of offence for each person removed

2022: 2

Case 1

Date of removal: May 2022

Offence date: December 2003

Case 2

Date of removal: November 2022

Offence date: January 2003

2023: 0

4. Please can you provide the crime(s) of each sex offender who has been removed from the sex offender and the reason given for their removal for the last two years. (By this I mean the offence that led to them being placed on the register).

The crime(s) of each RSO:

Case 1 – Indecent Assault on Female Under 16 & Sexual Assault – Intentionally Touch Female – No Penetration.

Case 2 – Indecent Images of Children.

In relation to the reasons for their removal, the decision maker considers all the factors covered in the Sexual Offences Act 2003, Part 2, Section 88C (4), and is satisfied that the individuals application has met the criteria to be removed from the sex offender register. It is not possible to give the specific

reasons for each case as there is personal information as well as operational management information contained in the reasons.

The information you have requested constitutes personal data of which you are not the subject and disclosure of the information to a member of the public otherwise than under the Data protection Act 2018 would contravene the data protection principles.

Section 40 is a class based exemption, therefore it is not necessary to evidence harm caused by disclosure.

The data protection rights of a third party would be breached by disclosure, therefore section 40(2) is an absolute exemption and a Public Interest Test is not necessary. This is so because personal data is governed by another law (The Data Protection Act 2018) and there are two elements to this exemption.

All requests made under FOIA are applicant blind. A request must be treated as such and a public authority will always view any disclosure as into the public domain. Thus North Wales Police must be satisfied that any release of information will be potentially available to the general public. It is therefore on this basis that the following is relevant.

The first element of this exemption is engaged if the information requested constitutes personal data and is made by the data subject. The information will be covered by section 40(1) and the request will be dealt with under the Data Protection Act, rights of access.

The second element of this exemption is engaged if the personal data is about someone other than the applicant. Where someone makes an application for information other than the data subject, disclosure of that information will often constitute a breach of the Data Protection Act covered by section 40(2). Personal data is regulated under the principles of the Data Protection Act and when information contains personal data about a third party it can only be refused if disclosure would breach any of the data protection principles.

As previously highlighted, any disclosure under the FOIA is a public disclosure and release of the identity of an individual would breach principles 1 & 2 of the Data protection Act 2018.

These principles require that: 1) the processing of personal data for any of the law enforcement purposes must be lawful and fair and 2) the law enforcement purpose for which personal data is collected on any occasion must be specified, explicit and legitimate.

'Data subjects' are provided with certain legal enforceable rights under the Data Protection Act 2018. The fact that the information is held for lawful policing purposes, disclosing it onwards would breach the principles, and would be incompatible with the data subject's right that their data is held securely. By disclosing this information, the force could be subject to enforcement proceedings under the act if it breaches any of those principles.

Therefore, in accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under section 17 (1) of the legislation.

THIS INFORMATION HAS BEEN PROVIDED IN RESPONSE TO A REQUEST
UNDER THE FREEDOM OF INFORMATION ACT 2000, AND IS CORRECT AS AT 03/10/2024