



Policy and Information Unit
Public Prosecution Service
Belfast Chambers
93 Chichester Street
Belfast BT1 3JR

[REDACTED]

FOI 787/23-24

23 January 2024

[REDACTED]

I refer to your email dated of 21 December 2023 in which you asked for information in respect of a case involving the [REDACTED]. Your request has been dealt with under the terms of the Freedom of Information Act 2000.

Freedom of Information Act 2000

The Freedom of Information Act creates rights of access for any person making a request for information to a public authority. The rights of access are twofold. First, to be informed by the public authority if it holds information of the description specified in the request, and if that is the case, secondly, to be provided with that information. These rights are subject to important limitations, which are designed to achieve a proper balance between the right to know and considerations of law and policy in the broader public interest.

You had asked the following:

1. The staff officer level who decided against prosecution in the first instance.

A Senior Public Prosecutor (SPP) took the decision in this case.

2. The reason for the decision against prosecution in the first instance.

The Evidential Test was not met.

3. The staff officer level who carried out a review at the request of the victim's family supported by PSNI, and was this (a) different and (b) superior to the original decision-maker?

An Assistant Director conducted the review of the case, i.e. this was not the same member of staff. The Assistant Director role (NICS Grade 5) is senior to that of SPP.

4. The reason for decision not to prosecute following review.

The Evidential Test was not met.

5. Following the Coroner's recent ruling what actions have been taken in respect of now prosecuting.

6. Have the PPS apologised to the victim's family in this matter?

In respect of questions 5 and 6, please be advised that this information is not held. Therefore under the terms of Section 1(1)(a) of the Freedom of Information Act I can confirm that we do not hold the information requested.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review in accordance with our review procedure. You should do this as soon as possible or in any case within two months of the date of this response and you can do so by writing to the Head of Policy and Information, Public Prosecution Service, Belfast Chambers, 93 Chichester Street, BELFAST, BT1 3JR or alternatively by sending an e-mail to info@ppsni.gov.uk. You should state the grounds on which you are requesting the review.

Alternatively, you may wish to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

**Information Management Team
Public Prosecution Service**