

[REDACTED]

FOI 465/24-25

21 February 2025

Dear [REDACTED]

I refer to your email dated 27 January 2025 in which you requested information. 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:

*“Under Freedom of Information please provide copy or link to legislation, policy, or accepted practice whereby PPS:*

- 1. Do not comment on the identity of a person who has been reported but a decision taken not to prosecute.*
- 2. Do not disclose whether or not the PSNI recommended prosecution.*
- 3. Disclose the reason / rationale for decision not to prosecute”.*

In response to each of these questions, I can advise the following in respect of PPS practice:

- 1. Do not comment on the identity of a person who has been reported but a decision taken not to prosecute.*

The PPS does not release the identity of a reported person. This is in accordance with Data Protection Principles and GDPR, as set out in the [Data Protection Act 2018](#). Such information has been provided to the PPS on the understanding that it is provided for the purposes of criminal investigation / prosecution solely; to release this information may constitute an actionable breach of confidence or infringe individuals' rights to respect for privacy pursuant to Article 8 of the European Convention on Human Rights.

The PPS also take into account other provisions of the European Convention on Human Rights where relevant, including Article 2 (the right to life), when considering the release of personal information into the public domain.

It should be noted that a case in which a defendant is charged, and has appeared before a court, is treated differently as the individual's identity is, in those circumstances, already in the public domain.

*2. Do not disclose whether or not the PSNI recommended prosecution.*

The PPS does not comment publicly on police recommendations. It is an established practice that police recommendations remain confidential between PPS and the Police Service of Northern Ireland (PSNI) in the interests of an effective working relationship. This is to ensure that police can give their candid assessment of a case without any concern for potentially damaging their relationship with victims or other parties in a case. This approach encourages open communication between investigator and prosecutor in relation to the strengths and weaknesses of any particular case so as to better inform and assist PPS decision-making. An investigator should be free to provide a full and accurate assessment of evidential matters without concern that they will later be made public.

While the police recommendation is of value in considering any file, the prosecutor makes their decision independent of police by means of an impartial and objective application of the Test for Prosecution.

*3. Disclose the reason / rationale for decision not to prosecute.*

The PPS approach to the giving of reasons is set out in the [Code for Prosecutors](#) (see paragraphs 4.70 – 4.74).

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](mailto: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**