



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2008-03837

**Keyword:** Human Resources

**Subject:** BOARD PROCESS - DETECTIVE SERGEANT

**Request:**

**Board Papers with regard to Detective Sergeant OCU/CID/PPU Interview Boards held on Thursday 26th and Friday 27th June 2008**

**OCU – Operation Command Unit  
CID – Criminal Investigation Department  
PPU – Public Protection Unit**

**Answer:**

Your request for information has now been considered and the decision has been taken not to supply the information you have requested.

Section 17 of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

- (a) states that fact,
- (b) specifies the exemption in question and
- (c) states (if not otherwise apparent) why the exemption applies.

The exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

The information you have requested is exempt from disclosure by virtue of Sections:

38(1)(a)& (b) - Health & Safety and Section 40(2) Personal Information, of the Freedom of Information Act.

Section 38 is a Prejudiced based exemption, and this means it is the Public Authority's responsibility to evidence the harm.

Section 40 is a Class based exemption, and this means that the legislators have agreed there would be harm if this information were released.

Sections 38 and 40 are Qualified exemptions and, therefore, a Public Interest Test must be carried out. Please find both tests listed below.

### **HARM TEST**

Under the Freedom of Information Act (2000) any information released in response to any requests is deemed to **be released into the public domain**, not just to the individual requesting the information. The information requested

contains personal details i.e. names, scores and comments for all parties involved including those of police personnel. Personal data if held by a police service should not be disclosed into the public domain under the Freedom of Information legislation and an individual's privacy must be respected at all times. Access to personal data is covered by other legislation – The Data Protection Act 1998. Police promotion boards are conducted with confidentiality and privacy, there is an expectation that details provided are to be used only for the purpose for which provided, in this case for the purpose of a promotion board and any other parts of this process. If any of this information were released it could have a major impact on an individual's Health and Safety, knowing that the scores and comments with regard to their promotion process was being released may cause a number of people stress.

## **PUBLIC INTEREST TEST**

### **Factors favouring disclosure**

#### **Accountability**

The information you have requested relates directly to the efficiency and effectiveness of the service when marking board papers.

### **Factors favouring non-disclosure**

#### **Interests of third parties**

Where third party interests would be jeopardised by the release of information that relates to their identity or personal affairs. The PSNI would be in breach of the Data Protection Act.

#### **Human Rights, Morals and Ethics**

There can be a public interest in non-disclosure that adversely affects the reputation of an individual, for example; where someone has been scored negatively and comments wrote in conjunction with this.

## **Balancing test**

On balance there is a requirement to withhold personal information, the release of which may effect the health and safety of individuals, must take precedence over the important issues of accountability. Also, if PSNI were to release personal data, they would be in breach of the Data Protection Act, it would not be in the Public Interest to release this information. If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this email.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk).

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that all PSNI replies under Freedom of Information will be released simultaneously into the public domain via our website @ [www.psni.police.uk](http://www.psni.police.uk).

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.