



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2008-05147

Keyword: Human Resources

Subject: GENDER/RELIGION/ETHNIC BREAKDOWN OF TACTICAL SUPPORT GROUPS

Request:

Under the Freedom of Information Act could I request a compositional breakdown of the PSNI's Tactical Support Group units in A, B, C, D, E, F, G and H Districts in regard to Gender, Religion and Ethnic background.

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 exemptions, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 31 Law Enforcement, is a Prejudice Based exemption. It is therefore necessary to evidence harm. It is also a qualified exemption, so a Public Interest Test (PIT) is required.

Section 38, Health and Safety, is a Prejudice Based exemption. It is therefore necessary to evidence harm. It is also a qualified exemption, so a Public Interest Test (PIT) is required.

Section 40(2) by virtue of Section 40(3)(a)(i) Personal Information is a Class Based exemption, so no harm test is required. This exemption is engaged because low level statistics contained in some areas would refer to small groups of officers whose identity could be revealed by looking at this information, along with other information which is already in the public domain, and this would contravene the first Data Protection Principle as contained in the Data Protection Act 1998.

Section 41 Information Provided in Confidence, is a Class Based and Absolute exemption, so no harm test nor PIT are required.

Section 44 Prohibitions on Disclosure, is also a Class Based and Absolute exemption, so no harm test nor PIT are required.

Harm Test

The community background information of employees within the PSNI is gathered and retained for monitoring purposes only, in accordance with the Fair Employment (Monitoring) Regulations (NI) 1999. In particular Part III 16 (2) of the above Regulations states that it is an offence to disclose the community background information to which this regulation applies or has applied. To release the Community Background information at this level could reveal this sensitive information, and the organisation would then be in breach of the above Regulations.

The Patten Report (1999) paragraph 14.3 specifically states:

'Nor is it a matter of having Catholic police officers to police Catholic people, or Chinese officers to police the Chinese community. Indeed we would regard that sort of balkanisation of policing as unhealthy. And the observation was made to us that it is no more pleasurable for a Catholic to be arrested by a Catholic officer than by a Protestant. The point is that communities as a whole should see themselves as having a stake in the police service as a whole. If all communities see the police as their police, there will be a better, cooperative partnership between community and police, and therefore more effective policing'.

Patten saw the need to have a reflective police service as giving everyone a stake in the Police Service of Northern Ireland, and allowing the police service to benefit from the different perspectives that reflectiveness brings. The information being sought may ultimately allow for a balkanised analysis of the PSNI to be conducted. This will do nothing to build public confidence in policing and indeed may undermine the confidence of minority groups in the PSNI.

To release information into the public domain that identifies small groups of police officers by their religious or ethnic background could lead to targeting of those officers by terrorists. This would pose an obvious risk to the officers safety and ultimately the risk of a breach of Article 2 of the Human Rights Act 1998, the Right to Life.

Public Interest Test

Factors Favouring Release

Accountability – The PSNI is undergoing a process to make it more representative of the community that it serves; it therefore stands to reason that the community will wish to see that that process is being properly and successfully implemented.

Public Awareness and Debate – Release of these equality-monitoring figures would inform the public and counter rumour and speculation thereby aiding accurate and informed debate on the subject.

Factors Favouring Retention

Efficient and Effective Police Service – As outlined above, balkanisation of the police service, or indeed any campaign for such a policy, would not lead to a more effective police service and may undermine the confidence of minority groups in the PSNI.

Existing Procedures – In their press release, dated 31 5 07 the Office of the Oversight Commissioner which was established as a result of the recommendations in the Report of the Independent Commission on Policing for Northern Ireland (the Patten Report), stated, "the systems of governance and accountability - the Policing Board, the District Policing Partnerships and the Ombudsman and her office - have demonstrated that they can effectively deliver their mandates, and thereby increase the public trust and confidence level in policing." To release into the public domain, ethnic, religion and gender information at this level would be to override existing measures to maintain public trust in the police service.

Tortuous Duty – Equality Monitoring information is provided to the PSNI by employees in compliance with the Fair Employment (Monitoring) Regulations (NI) 1999. As such it is provided in confidence by individual employees and the PSNI is obliged by the Regulations not to disclose information to which the Regulations apply or have applied.

Decision

There is a high level of public expectation in the implementation of the Patten recommendations and in particular how representative the PSNI is of the community it serves. Patten saw the need for a reflective police service as a whole, as being a benefit to policing and the community, and specifically stated that balkanisation would be unhealthy, so actually countering this argument. Compliance with the Fair Employment (Monitoring) Regulations (NI) 1999 prohibits disclosure at the level requested as to do so would breach Reg. 16(2) of those Regulations and makes a further and conclusive case for non-disclosure of 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 letter.

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.

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 PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psni.police.uk

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