



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-02270

Keyword: Complaints/Discipline

Subject: CAREER BREAKS

Request and Answer:

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information requested and I have decided to release some of the information sought. The remainder of the information requested will not be released pursuant to the exemption mentioned below.

Question

How many police officers in the last 5 years whilst on a career break have been investigated by PSD? Please provide a breakdown. Clarified as reported to PSD and result of hearing.

Answer

During the last 5 financial years 2004/2005 to 2008/2009 a total of 7 officers have been reported to/investigated by the Professional Standards Department of PSNI for various issues whilst on a career break. These include investigation notified by the Police Ombudsman. The numbers refer to reports received/ investigations commenced during the time period. Those investigations may have started prior to the commencement of the career break or during the career break.

It should be noted that prior to 2006 such absences were not recorded as career breaks.

The figures supplied have been compiled by the PSNI's Professional Standards Department which has responsibility for internal discipline relating to police officers. All the details requested are not recorded centrally and were obtained from the interrogation of several databases across a number of different categories and the manual examination of a number of files. Information extracted in this manner may not be as accurate as that extracted from a single central database.

The results of Misconduct Hearing(s) will not be released.

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(s) in question
- (c) states (if not otherwise apparent) why the exemption applies.

The exemption is as follows:

Section 40(2) (3) (a) (i) – personal information. This is a class based and absolute exemption which means, providing the information falls within the category mentioned within the exemption, the legislators have assumed that harm would be caused if the information was released. There is no need to conduct a public interest test.

In this instance the information must be personal information i.e. information from which a person can be identified. Releasing that information must breach at least one of the data protection principles as indicated in Schedule 1 of the Data Protection Act 1998.

Information on results of Misconduct Hearings is data belonging to particular individuals and is considered to be sensitive personal data. Whilst no individual will be immediately identified from the information sought, there is potential for an officer to be identified from that information, if taken together with information which may already be in the public domain or which may appear in the public domain at some time in the future. This is particularly relevant because of the low number of officer(s) involved. The information therefore constitutes sensitive personal data.

The key issue in this case is whether release of information which would identify an individual be fair and lawful.

Misconduct Hearings are held in private by virtue of Regulation 26 of the Royal Ulster Constabulary (Conduct) Regulations 2000 and details of sanctions are not placed in the public domain. There is an expectation therefore, that such proceedings are confidential. Releasing details would breach this privacy and confidentiality.

As there is no expectation that such data will be released into the public domain, release may constitute a breach of confidence at common law.

Releasing the information requested would therefore be unfair and unlawful and breach Principle 1 of the Data Protection Act 1998.

This exemption is therefore engaged.

It should be noted that a release under the Freedom of Information Act constitutes release to the public at large and not to an individual.

If you have any queries regarding your request or the decision please do not hesitate to contact the Freedom of Information Team 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.

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 @ <http://www.psnipolice.uk/>

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