



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-02682

Keyword: Complaints/Discipline

Subject: OFFICERS CONVICTED OF CRIMINAL OFFENCES - COOKSTOWN/MAGHERAFELT

Request and Answer:

The cost of complying with your request for information would exceed the "appropriate limit" as stated in the Freedom of Information Regulations 2004, which is currently set by the Secretary of State at £450. To search for criminal records of all police and civilian staff based at the stations relevant to your request would take an average of 6 minutes per person. It would take a further 2 minutes per record to list any convictions and print the retrieved information. This process would exceed the 18 hour threshold.

I have considered whether I can be of any assistance in terms of helping to refine your request to bring it under the cost limit. As a method of refinement I have been able to retrieve information in relation to police officers who have been convicted of a criminal offence and reported to Professional Standards Department.

I have decided to release some of the information requested and exempt the remainder by virtue of the exemption mentioned below.

Question 1

If applicable, how many police officers, and members of the PSNI, based at stations in Cookstown or Magherafelt have been convicted of criminal offences from January 1st, 2008 to August 24th, 2009?

Answer

Please note that the stations in Magherafelt represent an Area Command within G District while Cookstown represents an Area Command within F District. The requested information has been supplied by the Professional Standards Department of the PSNI which has responsibility relating to formal discipline of police officers and relates to cases reported to that Department only. It does not include minor motoring offences dealt with by local command and not referred to Professional Standards Department.

Records held by Professional Standards indicate that one police officer based within the Cookstown and Magherafelt areas has been convicted of a criminal offence during the period 1.1.2009 to 24.8.2009. No other members of the PSNI have been convicted of a criminal offence in Cookstown and Magherafelt Districts.

It should be noted that in relation to discipline criminal convictions include motoring offences and adult cautions.

Question 2

If applicable; please provide details of all offences committed and all relevant outcomes/punishment which arose.

Answer

This information will not be released by virtue of the exemption mentioned below.

Question 3

If applicable, please provide the job titles of all convicted.

Answer

This information will not be released by virtue of the exemption mentioned below.

United Kingdom Police Services do not use generic systems to capture information. For this reason the PSNI's response to your questions should not be used for comparison purposes with any other Police Service.

Section 17 of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland (PSNI), 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:

Sections 40(2)(a)(b) by virtue of (3)(a)(i) – questions 2 and 3 above

This is an absolute and class based exemption. The information sought must fall within the class of information covered by the exemption, in this instance the information must be personal i.e. information from which a person can be identified. Releasing that information must breach at least one of the data protection principles. As this is an absolute exemption the legislators have assumed that harm will be caused should the information be released.

Because the information relates to only one officer the potential exists for that individual to be identified from the information sought i.e. job title, details of the offence and outcome. Whilst no individual will be immediately identified from each piece of the information sought, taken together there is the potential for the individual to be identified from that information and/or other information that may already be in the public domain or which may appear in the public domain at some time in the future.

The information on convictions constitutes sensitive personal data of the officer concerned. A disclosure under the Freedom of Information Act constitutes release to the public in general.

Releasing such data would be unfair and unlawful and breach the First Principle of the Data Protection Act 1998.

This exemption is therefore engaged.

If you have any queries regarding your request or this 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

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.psni.police.uk/>

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