



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-03745

Keyword: Complaints/Discipline

Subject: Ombudsman Complaints in Newtownards Police Station

Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information.

Am I able to get information re the top 10 officers in Newtownards police station with Ombudsman complaints, the number and type of complaints from November 08 - November 09?

For the purpose of clarity I have divided your request into three separate questions.

I have today decided to:

- disclose records in answer to questions 2 and 3 below;
- fully exempt records in answer to question 1 below, pursuant to the provisions of section 40(2) of the Act.

Question 1

Am I able to get information re the top ten officers in Newtownards police station with ombudsman complaints?

Answer

I have decided to refuse to provide any information that would amount to personal information about any individual in accordance with Section 40(2)(a) of the Act by virtue of Section 40(2)(b) and 40(3)(a) and (a)(i).

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.

This question in effect asks for personal details about individuals other than the applicant. Simply to release a persons name amounts to personal details, to then confirm that any individual is the subject of a Police Ombudsman's investigation would be further personal details about that person. To release this information would be a breach of the Data Protection Act and is catered for within Freedom of Information by the exemptions under Section 40(2) as outlined below.

Section 40(2) is a Class-based exemption, therefore it is not necessary to evidence the harm caused by disclosure. The data protection rights of a third party would be breached by disclosure, therefore Section 40(2) is an Absolute exemption and a Public Interest Test is not necessary. This is so because personal data is governed by other law (The Data Protection Act 1998).

All requests made under FOIA are applicant blind. A request must be treated as such and a public authority will always view any disclosure as into the public domain and not just to an individual.

Personal Data is regulated under the principles of the Data Protection Act 1998 and when information contains personal data about a third party it can only be released if disclosure would not breach any of the data protection principles.

Principle 1 is that personal data must only be processed lawfully and fairly. This data, the individuals' names and details of Ombudsman's complaints was imparted to the PSNI for the purpose of updating the officers' personal records. To process this information for any other purpose, i.e. by releasing it under Freedom of Information would be unfair to the individuals concerned and therefore a breach of this principle."

Question 2

The number of complaints from November 2008 to November 2009.

Answer

The PSNI do not maintain 'top ten' lists in respect of complaints against police officers, however the office of the Police Ombudsman for Northern Ireland do supply the PSNI with lists of officers with three or more complaints at any one time. The following table shows the number of officers contained on these lists, for the periods shown, for officers who work out of Newtownards Station or within Newtownards Area Command Unit. This may include Neighbourhood Policing Teams and officers who work out of Comber, Donaghadee or Portaferry.

Period		No of Officers
From	To	
1/3/08	28/2/09	8
1/4/08	31/3/09	6
1/5/08	30/4/09	4
1/6/08	31/5/09	4
1/7/08	30/6/09	5
1/8/08	31/7/09	6
1/9/08	30/8/09	7
1/10/08	30/9/09	9
1/11/08	31/10/09	7

Question 3

The types of complaints from November 2008 to November 2009.

Answer

Please see the following range of Allegation Types (as categorised by PONI) contained within the lists that I have referred to above.

Allegation Type
Failure in Duty
Incivility
Malpractice
Mishandling Of Property
Oppressive Behaviour
Search
Traffic
Unlawful/Unnecessary Arrest/Detention

It is worthy of note that according to The Police Ombudsman Annual Report and Accounts for 2008/09, only 26% of complaints made to their office for the whole of Northern Ireland were substantiated. Whilst the PSNI takes extremely seriously any allegation of wrongdoing, the number of complaints must also be put into context of the overall strength of 'Ards Area which as of 1.1.10 is around 530 officers.

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.psnipolice.uk

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