



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2009-02607

**Keyword:** Complaints/Discipline

**Subject:** POLICE OFFICERS CONVICTED OF A CRIMINAL OFFENCE - FOYLE DCU

### Request and Answer:

#### Question 1

How many police officers have been convicted of a criminal offence since the inception of the PSNI in Foyle DCU? Clarified as officers who are currently serving with Foyle Area Command (under the control of local command) and whose convictions have been recorded by the Professional Standards Department of the PSNI.

#### Answer

From cases reported to the Department I can confirm that one officer who is currently serving in Foyle Area Command (under the control of local command) has been convicted of a motoring offence in the period from the inception of the PSNI on 4.11.01 to the end of the last financial year i.e. 31.3.09.

#### Question 2

What are the nature of those offences?

#### Answer

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

#### Question 3

What ranks of officers have been convicted?

#### Answer

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

This 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.

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. rank and details of the offence. Whilst no individual will be immediately identified from each piece of the information sought, taken together there is the potential for individuals to be identified from that information and 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 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](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 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.