



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-02039

Keyword: Finance

Subject: COMPENSATION PAYMENTS IN F DISTRICT

Request and Answer:

Question

Under the Freedom of Information Act 2000, I ask for a disclosure of the following information relating to the PSNI's bill for compensation payments. The total number of incidents where the PSNI has had to pay compensation within F District in each of the last three financial years

Answer

06/07 27 incidents where compensation has had to be paid (incidents not necessarily occurring in 06/07)

07/08 11 incidents where compensation has had to be paid (incidents not necessarily occurring in 07/08)

08/09 10 incidents where compensation has had to be paid (incidents not necessarily occurring in 08/09)

Question

The amount which the PSNI has had to pay in compensation within F District within the last three financial years. Please provide a breakdown of each incident including the date, DCU/area, the reason for compensation (for example injury, wrongful arrest, wrongful search etc) and the amount paid out in each instance.

Answer

I have today decided to disclose the attached records in full, which provides details of compensation paid in each of the categories listed below and each DCU for the specified time.

Category of Claim - the database categorises claims into certain types. The abbreviations used are as follows :-

AW - claims from members of the public alleging wrongful arrest, assault by police etc

CP - claims from members of the public for alleged damage to property

PI - claims from PSNI staff (police and support staff) relating to personal injury

PP - claims from police staff for alleged damage to property

I have decided to exempt information with regard to a breakdown of each incident by virtue of Section 40 and Section 41 of the Freedom of Information Act 2000.

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.

Some of the information requested is exempt from disclosure by virtue of Section 40 and Section 41 of the Freedom of Information Act 2000. Releasing information in relation to each incident where a compensation payment was made could potentially identify individual claimants. On occasions claims are settled on 'Terms Endorsed' meaning that neither party should divulge the settlement amount. With so few claims in certain categories it would be possible to highlight individual incidents and individuals thus we risk breaking the terms of the settlement.

The exemptions applicable in this case are as follows:

Section 40 (2) - Personal Information

Section 41 (1) (a) - Information provided in confidence

Section 40 and Section 41 are Class-based exemptions and this means that the legislators have agreed that there would be Harm if this information was released. Section 41 also requires a public interest test to be carried out to determine whether the common law of duty of confidentiality can be overcome.

All requests made under the 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. Thus the PSNI must be satisfied that any release of information will be potentially available to the general public. It is therefore on this basis that the following is very relevant.

The first element of this exemption is engaged if the information requested constitutes personal data and is made by the data subject. The information will be covered by section 40(1) and the request will be dealt with under section 7 of the Data Protection Act 1998, rights of access.

The second element of this exemption is engaged if the personal data is about someone other than the applicant. Where someone makes an application for information other than the data subject, disclosure of that information will often constitute a breach of the Data Protection Act covered by section 40(2).

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 refused if disclosure would breach any of the data protection principles.

As previously highlighted, any disclosure under FOIA is a public disclosure and release of the personal data of an individual relating to their career break and reason for extension would breach principles 1 & 2 of the Data Protection Act 1998.

Principle (1), that personal data is processed lawfully and fairly. Personal data imparted and recorded for information purposes will be confidential and any public disclosure would be unlawful if there would be a breach of that law of confidentiality. Persons who give their data to the PSNI for the purpose of informing and maintaining their personal records have the expectation that it will be treated fairly and it would be unfair to an individual concerned to disclose his/her personal data into the public domain.

Principle (2), that personal data is processed for a specific purpose and not further processed in any manner incompatible with that purpose. Data in this case was gathered and processed for a staff administration purpose. Once personal data has been publicly disclosed, it will in most cases be used for a purpose other than it was initially obtained. Public disclosure would cause unnecessary distress or damage to the persons involved, they would not have an expectation their personal data will be disclosed to others or possibly used for another purpose.

Section 41 (1) (a) - Information provided in confidence

Disclosing the information requested would constitute a breach of confidence. The PSNI will not release information that is subject to confidentiality clauses where that release would result in the provider or a third party taking the organisation to court. A release under the Freedom of Information Act is considered to be a release to the public at large.

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 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.

COMPENSATION PAYMENTS FOR F DISTRICT

06/07 07/08 08/09

	Cookstown	Omagh	Fermanagh	Dungannon & South Tyrone	Total
06/07	79,224	9,000	67,444	84,711	240,379
07/08	2,500	1,776	60,525	18,670	83,471
08/09	990	2,738	12,563	9,180	25,471
					349,321

COMPENSATION RELATING TO OMAGH DCU

PAID IN 06/07

Category of Claim	Amount of Comp Paid
AW	1,500
PI	7,500
TOTAL	9,000

PAID IN 07/08

Category of Claim	Amount of Comp Paid
AW	150
CP	1,626
TOTAL	1,776

PAID IN 08/09

Category of Claim	Amount of Comp Paid
CP	2,738
TOTAL	2,738

COMPENSATION RELATING TO FERMANAGH DCU

PAID IN 06/07

Category of Claim	Amount of Comp Paid
AW	9,250
CP	194
PI	54,000
TOTAL	67,444

PAID IN 07/08

Category of Claim	Amount of Comp Paid
AW	17,000
PI	43,525
TOTAL	60,525

PAID IN 08/09

Category of Claim	Amount of Comp Paid
AW	9,000
PI	3,563
TOTAL	12,563

**COMPENSATION RELATING TO DUNGANNON & SOUTH
TYRONE DCU**

PAID IN 06/07

Category of Claim	Amount of Comp Paid
AW	3,100
CP	809
PI	72,543
PP	379
TOTAL	84,711

PAID IN 07/08

Category of Claim	Amount of Comp Paid
AW	15,000
CP	3,670
TOTAL	18,670

PAID IN 08/09

Category of Claim	Amount of Comp Paid
CP	9,180
TOTAL	9,180

COMPENSATION RELATING TO COOKSTOWN DCU

PAID IN 06/07

Category of Claim	Amount of Comp Paid
AW	4,000
CP	2,296
PI	72,685
PP	243
TOTAL	79,224

PAID IN 07/08

Category of Claim	Amount of Comp Paid
PI	2,500
TOTAL	2,500

PAID IN 08/09

Category of Claim	Amount of Comp Paid
CP	990
TOTAL	990