



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-02261

Keyword: Finance

Subject: OFFICERS / CIVILIANS WHO HAVE SUED / CLAIMED 2006-9

Request and Answer:

Question 1

Could you please tell me how many of your force's police officers and civilian workers sued/claimed or were automatically given compensation for injuries or injuries to feelings sustained on duty for years 2008/09, 2007/08 and 2006/07?

Answer

No compensation was automatically paid to Police Officers or Police Staff in the years listed. All claims made to the Industrial and Fair Employment Tribunal are considered on an individual basis. In each instance, a robust response is submitted to the allegations made by the claimant, and preparatory work undertaken to present the organisation's position at hearing, if necessary.

2008/09 - 16

2007/08 - 19

2006/07 - 13

Question 2

Could you please tell me how many of your force's officers and civilian workers sued/claimed for damages on the grounds of discrimination?

Answer

2008/09 - 14

2007/08 - 11

2006/07 - 13

Question 3

Could you please tell me how much your force paid out in compensation to those officers and workers in these three years?

Answer

2008/09 - £10,003.00

2007/08 - £86,000.00

2006/07 - £79,750.00

Question 4

Could you please provide a break down of the claims, i.e. rank and age of officer, nature of injury, how they sustained it and how much compensation they were awarded?

Answer 4

Due to the confidentiality clauses placed on these cases, the PSNI cannot disclose the information requested on an individual basis and to release this information to the public at large would breach these clauses and leave the PSNI liable for legal actions.

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.

The information you have requested is exempt from disclosure by virtue of Sections 40(2) (a) (b) - Personal Information and Section 41(a) (b) - Information Provided in Confidence.

Both Section 40(2) and Section 41(a) (b) are absolute class-based exemptions which means that the legislators have agreed that there would be harm if the information were released.

Section 40(2) Personal Information - 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 Principle (1) of the Data Protection Act.

Principle (1) states that personal data should be processed lawfully and fairly. Personal data imparted and recorded for administration and legal 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 submitting formal legal proceedings 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.

Section 41(a) (b) Information provided in Confidence - This exemption is engaged as the information sought is the subject to confidentiality clauses and covers all aspects of any settlements including individual compensation amounts so the disclosure of this information to the public by a public authority holding it would constitute a breach of confidence actionable by that or any other person.

Balancing Test

Disclosing the information requested at question 4 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.