



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-03605

Keyword: Finance

Subject: SEVERANCE SCHEMES TO INDIVIDUAL MEMBERS OF ACC RANK

Request and Answer:

Question

In order to help assess the relevance and equity for our members, I would now ask for the following data under the Freedom of Information provisions:

Details of awards made under Severance Schemes to individual members of ACC rank during the years 2001, 2002, 2003, 2004, 2005, 2006, 2007 & 2008.

Needless to say, the names of individuals are not necessary but the age and service of each person at the time of retirement, as well as the reckonable salary, CRA and associated multiplier would be essential for our purposes. As this has involved a relatively small number of ACCs, I trust that compilation of these details will mean a minimum of administration.

Answer

Your request for information has now been considered and the decision has been taken not to supply the information you have requested.

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 exemption is as follows:

Section 40(2)(a)(b) – Personal Information

Section 40(2)(a)(b) is an absolute exemption which means there is no requirement on the police to consider whether there is a public interest in disclosure. This is so because data is governed by other law (The Data Protection Act 1998) and there are two elements to this exemption.

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).

All requests made under FOIA are applicant blind. Any release of information under the FOIA is a release into the public domain. It is therefore on this basis that the following is very relevant.

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 to release individual severance payments for the rank of ACC would breach principle 1 of the Data Protection Act 1998.

Principle (1), that personal data is processed lawfully and fairly. Personal data imparted and recorded with regard to severance payments of individuals 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 police 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.

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.