



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2009-00949

**Keyword:** Human Resources

**Subject:** COMPENSATION FOR ALLEGED BULLYING AND HARRASSMENT

### Request and Answer:

The Police Service of Northern Ireland (PSNI) has completed its search and has decided to exempt questions 1 & 2 pursuant to the provisions of sections 40 Personal Information and Section 41 Information Provided in Confidence.

#### Question 1

Please provide a breakdown of the amount the force has paid in compensation to police officers who have alleged bullying and harassment at work. Please provide this information for each calendar year from 2004 to date.

#### Question 2

For each case please disclose, the job title of the individual and the reason for the payout

#### Answer

Due to 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. However, I can advise you that we can provide an overall total cost for these cases, which is £75,700.

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 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](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.