



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2009-00067

**Keyword:** Human Resources

**Subject:** POLICE OFFICERS DIAGNOSED WITH HIV/AIDS

### Request and Answer:

**"I would like the number of officers working in the force - if any - who have been diagnosed with HIV/Aids."**

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at section 1(1)(a) is to confirm or deny whether the information specified in the request is held. The second duty at section 1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon section 17 of the FOIA requires that the applicant is provided with a notice, which

- (a) states that fact,
- (b) specifies the exemption(s) in question and
- (c) states (if that would not otherwise be apparent) why the exemption applies.

The Police Service of Northern Ireland (PSNI) can Neither Confirm Nor Deny that it holds the information relevant to your request, as the duty in section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemption:

#### Section 40(5) Personal Information

To confirm or deny that any information is held in relation to this request in effect confirms to the world that a particular individual or individuals employed by the Police Service of Northern Ireland has/have or has/have not been diagnosed with HIV/Aids, a clear breach of the Data Protection Act.

A disclosure under the Freedom of Information is a release of information to the world in general and not to an individual applicant. Therefore, simply confirming or not that such information were held would disclose personal information about an individual thereby breaching the Data Protection Act.

I can, however, advise you, as required by Section 17(4) of the Act that such information, if it were to exist, would be reasonably expected to be exempted under Section 40(2) by virtue of Section 40(3)(a)(i) and (ii) - Personal Information.

No inference can be taken from this refusal that the information you have requested does, or does not exist.

In accordance with the Act, this letter represents a Refusal Notice for this particular request.

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.psnipolice.uk/>

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.