



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-03600

Keyword: Human Resources

Subject: Police Officers with registered Business Interests

Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information requested and the answers to your questions are as follows.

Question 1

The number of Police Officers currently registered as having a business interest.

Answer

The number of officers (Regular & FTR) who are currently registered as having a business interest is 286

Question 2

How many applications have the PSNI received in 2009 for the registration of a business interest.

Answer

37 applications have been received to date in 2009

Question 3

How many of these officers are or were suspended at the time of their application to register a business interest.

Answer

Human Resources department have advised that 3 officers are or were suspended at the time of their application to register a business interest.

Question 4

In 2009, how many applications to register a business interest were denied.

Answer

Human Resources department have advised that 1 application to register a business interest was denied.

Question 5

What is the Gender/Religious breakdown of this group.

Answer

I have today decided to:

- fully exempt a response to questions 5 pursuant to the provisions of Sections 40, 41 and 44 of the Act.

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/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below :

The exemptions are as follows:

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

Section 41 Information Provided in Confidence

Section 44 Information Covered by Prohibitions on Disclosure

Sections 40, 41 and 44 are Class based and Absolute exemptions, therefore no harm/Public Interest Tests (PIT) are required.

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 personal data is governed by other law (The Data Protection Act 1998) and there are two elements to this exemption.

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 health records 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 updating and maintaining personnel records 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 personnel 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 (a)(b) Information Provided in Confidence

When the originator imparted this information they did so on the understanding that it would be used for the purpose for which it was supplied namely PSNI administration and that it would be treated confidentially. Persons who supply their information for the purpose of informing and maintaining their personal records would not expect that information to be released into the public domain. Disclosing this information would constitute a breach of confidence. The PSNI will not release information that would result in 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.

Section 44 (a) Information Covered by Prohibitions

The community background information of employees within PSNI is gathered and retained for monitoring purposes only, in accordance with the Fair Employment (Monitoring) Regulations (NI) 1999. In particular Part III 16 (2) of the above Regulations states that it is an offence to disclose the community background information to which this regulation applies or has applied. The PSNI will not release such sensitive information which is prohibited by or under any enactment namely the regulations stated.

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.