



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-01634
Keyword: Human Resources
Subject: TEMPORARY PROMOTED OFFICERS

Request and Answer:

I can confirm that the Police Service of Northern Ireland has now completed its search for the information.

I have decided to:

- disclose questions numbered 1 and 2 in full; and

- fully exempt question numbered 3 pursuant to the provisions of Section 44 Prohibitions on Disclosure, Section 40 Personal Information, Section 41 Information Provided in confidence & Section 38 Health & Safety of the Act.

Question 1

Can you tell me how many officers of rank Chief Inspector and above, who were / are temporary promoted to the higher rank from 1. 11. 2008 until now?

Answer

There were 40 officers who were/are temporary promoted to the higher rank from 1.11.2008 to the date of your request.

Question 2

Could I have the breakdown by rank e.g. Number of C/Inspectors temporary promoted to Superintendent, Number of Superintendents temporary promoted to C/Superintendent?

Answer

The breakdown is as follows: 27 - Chief Inspectors to Superintendent, 11 - Superintendents to Chief Superintendent, 2 - Chief Superintendents to ACC

NB - The temporary promotions figures include those officers who are temporarily promoted while on secondment outside of the PSNI.

Question 3

Please provide the community background for the officers in question 1 and 2 above.

Answer

The PSNI has decided not to disclose the information relating to the community background of the officers temporarily promoted.

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 we considered when deciding where the public interest lies including the Harm and Public Interest tests are as follows:

Section 44 Prohibitions on Disclosure
Section 41 Information Provided in Confidence
Section 40(2) by virtue of Section 40(3)(a)(i) Personal Information
Section 38 Health & Safety,

Sections 44 & 41 are Class Based and Absolute exemptions, therefore no Harm / Public Interest Tests (PIT) are required.

Section 40(2) is a Class-based exemption and it is not necessary to evidence the harm caused by disclosure. The data protection rights of a third party would be breached by disclosure, therefore Section 40(2) is an Absolute exemption and a Public Interest Test is not necessary. This is so because personal data is governed by other law (The Data Protection Act 1998). This exemption is applied because the request asks for low level information relating to a small number of police officers whose identity / community background could be disclosed by correlation of this information and other information already in the public domain. All requests made under 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 and not just to an individual.

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 released if disclosure would not breach any of the data protection principles.

Principle 1 is that personal data must only be processed lawfully and fairly. This data was imparted to the PSNI for the purpose of monitoring in relation to the Fair employment (Monitoring) Regulations (NI) 1999. To process this information for any other purpose, i.e. by releasing it under Freedom of Information would be unfair to the individuals concerned and therefore a breach of this principle.

Section 38 is a Prejudiced Based exemption and it is therefore necessary to evidence the harm of disclosure. A Public Interest Test (PIT) is required as section 38 is also a Qualified exemption.

Harm Test

The community background of officers in the PSNI is obtained and retained solely for the purposes of monitoring in accordance with the Fair Employment (Monitoring) Regulations (NI) 1999. In particular, Part III Obtaining & Retaining Monitoring Information & Offences section 16 (2) of the Regulations states that ' Any person who discloses information which he holds or has held in his capacity as an employer and is information to which this regulation applies or has applied shall be guilty of an offence '. The PSNI must comply with the Fair Employment (Monitoring) Regulations (NI) 1999 in relation to the equality monitoring information provided to them by PSNI employees. As employees supply the information concerning their community background with the understanding that they do so in confidence, the PSNI is obliged by the regulations not to disclose the information to which the regulations have or currently apply to. To release the information requested at such a low level in relation to a small number of officers could reveal sensitive personal information resulting in the PSNI breaching the Regulations and subsequently being liable to litigation. To place in the public domain information that identifies small groups of officers by their religious or ethnic background could lead to targeting of those officers by elements in the community from opposing religious / community backgrounds. As the request deals with senior officers, who are more likely to appear in the media, it would be easy to identify each individual officer and identify their individual community background. This would therefore leave these officers vulnerable to attack thus breaching their human rights – in particular Article 2 Right to life.

Public Interest Test

Factors Favouring Release

Accountability

The PSNI is undergoing a process to make it more reflective of the community it serves. The Public would therefore want this to be evidenced and that evidence put into the public arena so that the implementation of the process can be monitored and judged by the public who would then determine if the progress being made was sufficient.

Public awareness and debate

Release of the equality monitoring figures would provide the public with accurate information which would enable a more informed debate within the public domain and would prevent persons with a negative agenda concerning the acceptability

of the PSNI from scaremongering.

Factors Favouring Retention

Interests of third parties

Personal data of a third party should not be disclosed, as it would contravene Data Protection Principles. Third parties would not expect that their information would be disclosed to others.

Efficient and effective conduct of the Service/a Force

The public confidence in the PSNI would be undermined if the Balkanisation of the police service or indeed any campaign for such a policy were followed. The effectiveness of the service would be reduced as minority groups would have no confidence in the PSNI and possibly withdraw any support they would have had.

Existing procedures

To release religious, ethnic or gender information at this low level into the public arena, would be to erode any measures the PSNI have in or would plan to put in place to maintain/ increase public confidence and trust in the service

Tortuous Duty

The PSNI must comply with the Fair Employment (Monitoring) Regulations (NI) 1999 in relation to the equality monitoring information provided to them by PSNI employees. As employees supply the information concerning their community background with the understanding that they do so in confidence, the PSNI is obliged by the regulations not to disclose the information to which the regulations have or currently apply to.

Balance Test

Since the inception of the Patten Reforms for Policing in Northern Ireland, there has been a high and continual interest from the public and political groups in monitoring how the PSNI have implemented and progressed the recommendations as evidenced by recent reports over resourcing levels and the reduction of the Full Time Reserve. The implementation of recommendations regarding providing a police service that is reflective of the community it serves is of high interest and compliance with the Fair Employment (Monitoring) Regulations (NI) 1999 is vital to the continual implementation of this recommendation. To release into the public domain the community background of a small group of officers could have a detrimental affect on the efforts to establish a truly reflective police service.

The factors favouring non-disclosure far outweigh those favouring disclosure. To place in the public domain information that identifies small groups of officers by their religious or ethnic background could lead to targeting of those officers by elements in the community from opposing religious / community backgrounds. As the request deals with senior officers, who are more likely to appear in the media, it would be easy to identify each individual officer and identify their individual community background. This would therefore leave these officers vulnerable to attack thus breaching their human rights – in particular Article 2 Right to life.

Therefore, considering all the relevant factors, there would be a conclusive case for non-disclosure of this information at this time.

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.