



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2010-00096

Keyword: Complaints/Discipline

Subject: Complaints made by Paula Laverty

Request and Answer:

Question

I request any and all information as may be relevant to incidents or complaints made by Paula Laverty, 31 Plantation Avenue, Carrickfergus, in relation to Brian Laverty, 37 Prospect Grove, Carrickfergus (ex 31 Plantation Avenue).

Answer

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 FOIA requires that we provide the applicant with a notice which a) states that fact, b) specifies the exemption(s) in question and c) state (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 exemptions:

Section 40(5) Personal Information.

A disclosure under the Freedom of Information is a release of information to the world in general and not 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.

Neither confirm nor deny is needed to protect any harm, which may arise if the Police Service of Northern Ireland has to confirm or deny it holds particular information. In some situations, simply to confirm or deny whether a particular category of information is held could in itself disclose sensitive or damaging information.

Personal data if held by a police service should not be disclosed into the public domain and privacy

must be respected.

Any information released under the Freedom of Information Act in response to requests is deemed to **be released into the public domain.**

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(5) - Personal Data.

However, this should not be taken as conclusive evidence that the information you requested exists or does not exist.

For your information I have attached a subject access form DAT 2 which should be completed when requesting personal data, however, it should be noted that the provision of this form is not confirmation that any relevant information is held and that if any is held it may be subject to exemptions under the Data protection Act.

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.



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

DATA PROTECTION ACT 1998 REQUEST FOR SUBJECT ACCESS

(This form should be used by serving Police Officers, Support Staff and Retired Members)

It should be completed in black ink - please PRINT clearly.

Section 1 Personal Details

Name _____

DOB _____

Rank/Grade _____

Service/Payroll No(s) _____

(include any previous Service/Staff Numbers)

Date of Leaving *(if applicable)* _____

Work Address *(if serving)* or Home Address _____

Work Ext or Home Telephone No _____

Please Sign and Date _____

CRO Ref No

Section 2 Police Officers - Serving or Retired

Please be **specific** as to what you require (*include dates where applicable*)

	Please tick box	Dates
1. Personnel File	<input type="checkbox"/>	_____
2. Computer File	<input type="checkbox"/>	_____
3. Medical File	<input type="checkbox"/>	_____
4. Sick Record Print-out	<input type="checkbox"/>	_____
5. Annual Reports	<input type="checkbox"/>	_____
6. Occupational Health and Welfare <i>(see note below)</i>	<input type="checkbox"/>	_____
7. Board Papers <i>(please specify competition)</i>	<input type="checkbox"/>	_____

Other (*please specify*) _____

Signature _____ **Date** _____

Note: Personal data processed by O.H.W. will be defined within the Act as a 'Health Record' which consists of information relating to the physical or mental health or condition of an individual. This data can only be released with the authority of a health professional in connection with your care. Subsequently, if you have requested such data this will be provided by O.H.W. You will be furnished with this information in a sealed envelope via the Data Protection Unit.

Section 3 Civilian Staff - Serving or Retired

Please be **specific** as to what you require (*include dates if applicable*)

	Please tick box	Dates
1. Personal File	<input type="checkbox"/>	_____
2. Copy of Job Description/Contract	<input type="checkbox"/>	_____
3. Annual Reports/Performance Appraisal Reports	<input type="checkbox"/>	_____
4. Pay Details	<input type="checkbox"/>	_____
5. Superannuation	<input type="checkbox"/>	_____
6. Sick Print-out	<input type="checkbox"/>	_____
7. Papers held by local Line Management	<input type="checkbox"/>	_____
8. Records of changes from Full-time/ Part-time Working Patterns, etc	<input type="checkbox"/>	_____
9. Occupational Health and Welfare (<i>see note below</i>)	<input type="checkbox"/>	_____
10. Board Papers (<i>please specify competition</i>)	<input type="checkbox"/>	_____

Other (*please specify*) _____

Signature _____ **Date** _____

Note: Personal data processed by O.H.W. will be defined within the Act as a 'Health Record' which consists of information relating to the physical or mental health or condition of an individual. This data can only be released with the authority of a health professional in connection with your care. Subsequently, if you have requested such data this will be provided by O.H.W. You will be furnished with this information in a sealed envelope via the Data Protection Unit.

Section 4

Fee

If you are a serving Officer/Member no fee is required.

A fee of £10 is required if you are no longer serving or retired.

Proof of Identity *(only required for non-serving or retired members)*

To help establish your identity, your application must include photocopies of two official documents that clearly state your name and date of birth, one of which must also show your address, for example: driving licence, medical card, birth certificate or other documents of a similar nature.

Submitting the Application Form

Please note - completed application form *(with appropriate proof of identity and fee, if required)* should be forwarded directly to:

Subject Access Office, Criminal Records Office
Police Headquarters, 65 Knock Road, Belfast BT5 6LE

Any telephone enquiries should be made to Tel No: 028 9056 1616 or Ext 33616.

Section 5 FOR OFFICIAL USE ONLY

Application checked? YES NO

Date application received:

Details of identity document(s) 1.
2.

Identity document(s) checked? YES NO

Type of document(s): Driving Licence/Passport/Medical Card/Birth Certificate/Marriage Certificate/Other:

Document reference number(s) _____

Document(s) returned? YES NO

Fee for Information Requested *(if applicable)*

£10 cheque/cash/postal order/other Receipt number issued

For Subject Access Office Use Only

Date to Data Protection
Date to Applicant