



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2010-00870

Keyword: Finance

Subject: Names etc of Employees Paid Over £100,000 and How Much

Request and Answer:

Your request for information has now been considered and the decision has been taken not to supply the information you have requested.

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

- Section 21(1) – Accessible Other Means
- Section 22(1) – Intended for Future Publication
- Section 40(2) – Personal Information

Question 1

The names and job titles of any person employed by your public body (either as a staff member, a freelancer, a contractor), who was paid over £100,000 in the financial years 2009/10 and 2008/9. I appreciate that 2009/10 isn't over yet but as most of the people listed above are on fixed salaries can you please tell me who is on over 100 grand for this year?

Question 2

If anyone left in the middle of a financial year but would have earned £100,000 or more had they stayed on, can you tell us about them as well, please?

Clarified as; I omitted to include that as well as knowing WHO is paid over £100,000 I would also like to know exactly WHAT they are paid or the relevant pay bracket (with details). Can I also make clear that this is for those on a fixed salary of £100,000 gross. Please note that the rest of the questions in my original FOI (see below) still stand.

Answer

Pursuant to the provisions of Section 21 of the Freedom of Information Act 2000 it has been decided to refuse access to some of the information you have requested. Section 21 of the Act provides that information which is reasonably accessible to the applicant by other means is exempt information.

Some of the information that you have requested, namely the information relating to the 2008/09 financial year is available from the Police Service of Northern Ireland's Publication Scheme. To access this information on our Publication Scheme please visit our website at;
http://www.psni.police.uk/accounts_2008-9_.pdf

Pursuant to the provisions of Section 22 of the Freedom of Information Act 2000 it has been decided to refuse access to some of the information you have requested. Under Section 22 (1) of the Act, the Police Service of Northern Ireland is not obliged to disclose information that is held with a view to its publication at some future date.

Some of the information that you have requested, namely the information relating to the 2009/10 financial year is intended to be published by the Police Service of Northern Ireland and will be made available on the Police Service of Northern Ireland's Publication Scheme.

Section 22 is a Class Based, Qualified exemption so therefore a Public Interest Test is required.

Public Interest Test

In relation to Section 22, disclosure is planned at some future date anyway, therefore the public interest test in this context turns not on whether to disclose, but on when – that is, on whether it is reasonable to withhold disclosure until the intended future date.

Factors Favouring Release Now

Early release would expedite earlier public awareness and debate.

Factors Favouring Retention Until Future Date

The Annual Financial Statement is published on an annual basis and usually following the end of the fiscal year. I have been informed that the 2009/10 statement is expected to be published around the end of May 2010 as usual. This is not an unreasonable delay and would therefore weigh in favour of the exemption.

Advanced disclosure to an FOI applicant may be unfair to others who are waiting in anticipation of publication of the Annual Financial Statement.

Decision

The public interest in allowing public authorities to release information in a manner and in a form, and at a time, of their own choosing is important. In the general run of public affairs, publication is planned and managed according to prevailing circumstances and authorities should rightfully be able to make their own arrangements. The decision in this case therefore favours retention of the requested information until the intended future date of publication.

To access this information following publication please visit our website at;

http://www.psni.police.uk/index/about-us/departments/finance/annual_statement_accounts.htm

Question 3

Can you tell us who signed off on these £100,000+ incomes... (e.g. was it a select committee, the Head of HR, the boss (and if it was the boss who was on over £100,000 a year who agreed on his or her salary).

Answer

The Northern Ireland Policing Board

Question 4

Can you please give us the details of any bonuses, pension contributions, over-time extras, 'golden handshakes', 'golden farewells' and redundancy payments that the people you mention above received in the financial years 2008/9 and 2009/10?

Answer

Details of bonus payments made to individual officers is personal information relating to those officers. To release this information without the consent or reasonable expectation of the officers would be a breach of the Data Protection Act and is catered for within Freedom of Information by the exemption under Section 40(2)(a) and (b) by virtue of Section 40(3)(a)(i) of the Act. 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. To release this information under Freedom of Information without consent or reasonable expectation would be unfair to the individuals concerned and therefore a breach of this principle.

I can however provide the total amount paid in bonuses to persons employed by the PSNI who was paid over £100,000 in the financial years 2009/10 and 2008/9. The amount is £62,987.43

Details of pension entitlements are contained within the Annual Financial Statements as referred to above.

No details of over-time extras, 'golden handshakes', 'golden farewells' or redundancy payments have been retrieved in response to this request. These terms would not be used by the PSNI.

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.