



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2010-03284

**Keyword:** Human Resources

**Subject:** Business Interests

### Request and Answer:

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

#### Question 1

How many officers Inspector rank and above have registered business interests?

Can you look at this over the last 5 years please.

Can you also break the result down into individual ranks please.

#### Answer

Please see the table below illustrating the number of officers Inspector rank and above who have registered business interests.

#### Question 2

How many officers Inspector and above **have been** investigated by PSD in relation to business interests?

Can you look at this over the last 5 years please.

Can you also break the result down into individual ranks please.

#### Answer

No officers at Inspector rank and above have been investigated by PSD in relation to business interests.

#### Question 2a

How many officers, Inspector and above **are being** investigated by PSD in relation to business interests?

#### 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) 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 this question as the duty in Section (1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemption:

- **Section 30(3) – Investigations**

#### Section 30(3) - Investigations

This is a class based and qualified exemption. If the information were held it must fit into the class of information covered by this exemption and if it were held it would be held for the purposes of an investigation to determine whether an offence has been committed and therefore would clearly fall within the class of information provided by this exemption. Confirming or denying that the PSNI holds any information in relation to investigations it may or may not have conducted, would undermine an investigation by alerting those who are suspected of offences and giving them the opportunity to and means to influence the outcome of any such investigation or subsequent Court proceedings, including any subsequent potential appeal or retrial.

As section 30 is qualified exemption a public interest test is necessary.

### **PUBLIC INTEREST TEST**

#### **Factors Favouring Confirmation Or Denial**

Confirming the existence of information would show that the PSNI are conducting or have conducted an investigation, which the public would expect.

#### **Factors Against Confirmation Or Denial**

An investigation or the outcome of subsequent proceedings could be compromised.

#### **Balance Test**

At this time the potential harm to current and/or future investigations outweighs any public benefit in knowing if any information is, or is not held. Police Officers are held to public account for their actions, including how matters are investigated, by the PSNI Code of Ethics and/or in some cases by the Police Ombudsman for Northern Ireland. There is no further tangible community benefit in complying with section 1(1)(a) of the Act at this time. None of this however, should not be taken as conclusive evidence that the information you requested exists or does not exist.

### **Question 3**

How many of those officers have faced a disciplinary hearing and what was the offence and result?  
Can you look at this over the last 5 years please.  
Can you also break the result down into individual ranks please.

#### **Answer**

No officers at Inspector rank and above have faced a disciplinary hearing in respect of a PSD investigation into registered business interests.

By way of further information relating to your request, Professional Standards Department do not investigate officers above the rank of Chief Inspector. Section 7 of [The Royal Ulster Constabulary \(Conduct\) Regulations 2000](#) (renamed the PSNI (Conduct) Regulations 2000), outlines the legislative

criteria for investigating police officers.

Furthermore the [PSNI Business Interest Policy](#) is published on the PSNI website. This document outlines Professional Standards Department's involvement in the 'business interest' application process. This involvement lies only with making recommendation to the District Commander/Head of Branch regarding any potential conflict regarding the PSNI Code of Ethics. Any issues arising from an officer's involvement with a business would typically be dealt with at local level.

United Kingdom Police Services do not use generic systems to capture information. For this reason PSNI's response to your questions should not be used for comparison purposes with any other Police Service.

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](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 @ [www.psni.police.uk](http://www.psni.police.uk)

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

Q1. How many officers Insp rank and above have registered business interests?

*Can you look at this over the last 5 years please.*

*Can you also break the result down into individual ranks please.*

Calendar Year	Chief Supt	Supt	Chief Insp	Insp	Total
2006		1		4	5
2007	2	2		8	12
2008	1	3	1	9	14
2009	1	1	2	2	6
2010 to 19/11/2010	1	1		4	6
Total	5	7	3	23	38