



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2010-03529

Keyword: Human Resources

Subject: Successful Promotions - Detective Inspector - June 2010

Request and Answer:

Question

Previous requests F-2010-03411 & F-2010-03026 refer.

How many of the 12 successful promotions sat Panel 1;
How many of the 12 successful promotions sat Panel 2; and
How many of the 12 successful promotions sat Panel 3.

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 exemption, as well as any factors the department considered is listed below:

Section 40(2)(a)&(b) by virtue of Section 40(3)(a)(i) – Personal Information

Section 40 is a Class-based exemption, therefore it is not necessary to evidence the harm caused by disclosure. The data protection rights of a third party would be breached by disclosure. Section 40(2) is an Absolute exemption and therefore a Public Interest Test is not necessary. This is so because personal data is governed by other law (The Data Protection Act 1998).

Your request contains questions that to answer would require me to release personal details about individuals other than the applicant. The specific information requested, relates to serving police officers and this data is processed to learn or decide something about those individuals. Additionally, there is the potential to identify someone from the data either through a comparison of what is

already available or as an incidental consequence. There is a risk that information released as part of this request could be compared with what is already known or available about promotions.

Any police officer who enters into a promotion process will have the expectation that their personal data will be processed in a confidential manner and only used for staff administration purposes within the police service and not released to any other person.

Information has been previously released to you and the PSNI is satisfied that you are a serving police officer and your internal email address has been used for the purposes of correspondence. As part of your previous requests, information was released and this was limited to statistics without providing additional information relating to particular officers, which could potentially lead to the identification of those officers. A decision was taken to limit release to this level and this was to ensure the personal data of anyone involved would not be identified.

A disclosure under the Freedom of Information Act is a release of information to the world in general via the PSNI website, not just to the individual 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).

Your request relates to the personal data of a small number of police officers. 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.

Any disclosure under FOIA that could highlight data relating to the promotion of a serving police officer will breach principles 1 & 2 of the Data Protection Act 1998.

Principle (1), that personal data is processed lawfully and fairly. Personal data of this nature is initially imparted and recorded for the purpose of staff administration including promotions. It must be treated in a highly confidential manner and any public disclosure would be unlawful if there is a breach of that law of confidentiality. 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.

Police officers provide personal data to the PSNI who in turn will provide responses to those officers. They will have an expectation that it will be treated fairly. Any disclosure of this type of data into the public domain that relates or could be used to identify officers who have been promoted via sitting a particular promotion panel will be unfair to any individual concerned.

Principle (2), that personal data is processed for a specific purpose and not further processed in any manner incompatible with that purpose. As previously mentioned, personal data in this instance was gathered and is processed for a specific purpose. Once personal data has been publicly disclosed, it will in most cases be used for a purpose other than it was initially obtained. Police officers who are part of a promotion process will not expect their personal data to be used for another purpose.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice and the request has therefore been closed.

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.psni.police.uk

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