



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2010-02769

Keyword: Human Resources

Subject: Sickness Absence for Upper Limb Conditions

Request and Answer:

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

I have today decided to:

- disclose records in relation to question 1 in full and;
- fully exempt records in relation to question 2, pursuant to the provisions of Section 40(2)(a)(b) (Personal Information) of the Act.

Question 1

Please confirm the number of staff and officers who have had sickness absence for Upper Limb Conditions, both in the organisation in general and specifically in D District since 2006 to date.

Answer

Since 2006, a total of 148 personnel have availed of sickness absence relating to Upper Limb Conditions. There has been a total of 17 personnel in D District.

Question 2

In particular and specifically in relation to D District, can this be further 'drilled down' to provide additional details of the number of staff and/or officers who have Carpal Tunnel Syndrome attributed to their condition in the 'comments box' of their medical history.

Answer

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.

Personal Data is regulated under the principles of the Data Protection Act 1998 (DPA) 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. The first principle states that personal data shall not be processed unless certain conditions are met.

The information relates specifically to D District and contains low level data which could easily identify a member of staff/officers and their medical condition. This information is deemed as Sensitive Personal Data and disclosure will need to satisfy at least one condition in Schedule 3 of the DPA as well as in Schedule 2. Explicit consent has not been given by any individual and neither has the information already been made public by the individuals concerned. None of the conditions have been met and to release information relating to the medical data of an individual would be unlawful under Schedule 3 of the DPA, therefore S40(2) of the FOI Act is engaged.

Section 40(2) 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, 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).

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.