



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2011-02371

**Keyword:** Complaints/Discipline

**Subject:** Staff Convicted for Breaches of the Data Protection Act

**Request and Answer:**

### Question 1

The number of a) police officers and b) civilian employees who have been convicted for breaches of the Data Protection Act in the past three years.

### Question 2

The number of a) police officers and b) civilian employees who have had their employment terminated for breaches of the Data Protection Act in the past three years.

### Question 3

The number of a) police officers and b) civilian employees who have been disciplined internally but have not been prosecuted for breaches of the Data Protection Act in the past three years.

I would appreciate an itemised list of the offences committed by the individual in question.

### Answer

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

It is estimated that the cost of complying with your request for information would exceed the "appropriate costs limit" under Section 12(1) of the Freedom of Information Act 2000, which is currently set by the Secretary of State at £450.

In relation to police officers alone, there are around 1600 closed investigations from July 2008 to July 2011. Taking 1 minute per entry to determine if the file may relate to a breach of the Data Protection Act equates to 26.5 hours, meaning that the request is over cost even before the information is extracted. In addition to this, information relating to civilian employees would have to be provided by each of the eight District Human Resources Managers individually.

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.

You may wish to submit a refined request in order that the cost of complying with your request may be facilitated within the 'appropriate limit'. In compliance with Section 16 of the Act, I have considered how your request may be refined to bring it under the appropriate limit. Professional Standards Department (PSD) categorise investigations by potential breach of the PSNI Code of Ethics. Article 3 relates to breaches of privacy and confidentiality. PSD may be able to provide, within the cost limit, information regarding police officers who were disciplined for breach of Article 3 from July 2009 to July 2011, including whether they were dismissed or required to resign. It may also be possible for PSD to supply information relating to officers who were convicted of Breach of the Data Protection Act from July 2009 to July 2011.

Submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.

If you have any queries regarding your request or this 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.