



FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-02618

Keyword: Complaints/Discipline

Subject: Confidentiality Agreements

Request and Answer:

Question 1

I would like to request the following information about PSNI's staff confidentiality agreements and related disciplinary actions:

Copies of all confidentiality clauses, agreements or policies that staff are required to abide by. Please include any non-standard clauses which apply to particular groups of staff, or individuals. I am expecting the release of any relevant standard clauses contained within employment contracts as well as relevant policies such as your whistle-blowing policy, and any rules guiding staff participation in online discussion, blogging and social networking sites.

Question 2

The number of times PSNI staff members have faced disciplinary actions or proceedings as a result of breaching these confidentiality agreements, policies and clauses.

Question 3

A listing of these disciplinary actions broken down by the date and type of disciplinary action taken (eg verbal warning, demotion, loss of benefit, etc).

Question 4

The number of PSNI staff that have been dismissed as a result of breaching or infringing confidentiality agreements.

Question 5

Of those i) disciplined and ii) dismissed - How many had a defence of whistle blowing?

I would like this data annually for most recent three year period (either calendar or financial depending on how you record such data). With respect to PSNI policies clauses and agreements only those that are currently in-force are being requested.

I would like to clarify that I am only seeking policies etc. relating to the staff-employer relationship ie. the rules staff agree to follow as individuals.

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.

Question 1 relates to confidentiality clauses/agreements policies, whistle-blowing policy, and guidance regarding social networking sites. The above information would be contained in PSNI Service Procedures and Policy Directives as well as confidentiality clauses that officers and staff are required to sign. These would be held, not only by our Professional Standards Department, but also by Human Resource Managers in other Districts and Departments across the organisation. Therefore, Districts and Departments were asked to provide estimates for retrieving local Service Procedures and Policies relating to confidentiality, whistle-blowing and online discussion.

Question 2, 3, 4 and 5 relates to PSNI staff facing disciplinary proceedings as a result of breach of confidentiality agreements. There are around 1000 files held at Professional Standards Department for the time frame you are interested in, and to retrieve the files and extract the required information would take an estimated 69 hours.

As Professional Standards Department are responsible for internal discipline of police officers only, this would again also involve input from Human Resource Managers in Districts and Departments who deal with disciplinary issues involving police staff members.

As the above information is so wide ranging and involves input from several different areas within the PSNI, to retrieve all the information you require would take an estimated retrieval time of over 118 hours.

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;

PSD could provide information relating to questions 2 to 5 for police officers disciplined for breach of Article 3 Privacy & Confidentiality of the PSNI code of Ethics for the time-frame requested. This may not provide an accurate result of all officers facing disciplinary action for breaching confidentiality agreements, policies and clauses as only the most serious Article of the PSNI Code of Ethics is recorded against each case for statistical purposes.

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.

You may be interested in the following Service Procedures and Policy Directives which are available to view on the PSNI website at the following link; http://www.psni.police.uk/index/about-us/publications/publications-by-category/our_policies_and_procedures.htm

PD 06/08 Data Protection Policy
PD11/07 Integrity and Professional Standards
SP 05/10 Service Confidence Procedure

PSNI Code of Ethics
Police Staff Code of Conduct

Every police officer is required to carry out their duties in accordance with the PSNI Code of Ethics (Section 52 of the Police Northern Ireland Act 2000), and every member of staff in accordance with the Police Staff Code of Conduct.

Standards regarding confidentiality are outlined in the PSNI Code of Ethics Article 3 'Privacy & Confidentiality'. Standards regarding whistle-blowing are outlined in Article 7.3 Integrity and Article 10.2 Duty of Supervisors.

Standards for police staff relating to 'confidentiality' is outlined in Section 2 Integrity, and whistle blowing Section 3 Rights and Responsibilities.

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.

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.