



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2011-00636

**Keyword:** Finance

**Subject:** Pension Paid To Constable Buchanan's Widow Hazel Stewart

### Request and Answer:

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information you requested.

#### Question 1

Could I have the following information under Freedom of Information. Police Constable Trevor Buchanan murdered in May 1991 in Castlerock. How much has his widow Hazel Stewart (convicted killer) been paid from his police pension?

#### Question 2

When was the first payment?

#### Question 3

When was the last payment?

Note: This is in the public interest and therefore I do not see why this information would not be disclosed Mr Buchanan is dead and his wife is a convicted murderer.

### 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/s is listed below:

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

Section 40(2)(a)(b) is an absolute exemption which means there is no requirement on the police to consider whether there is a public interest in disclosure. This is so because personal data is governed by other law (The Data Protection Act 1998) and there are two elements to this exemption.

The first element of this exemption is engaged if the information requested constitutes personal data and is made by the data subject. The information will be covered by Section 40(1) and the request will be dealt with under Section 7 of the Data Protection Act 1998, rights of access.

The second element of this exemption is engaged if the personal data is about someone other than the 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).

All requests made under the FOIA are applicant blind. A request must be treated as such and a public authority will view any disclosure as into the public domain and not just to an individual applicant.

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 refused if disclosure would breach any of the data protection principles.

Principle (1), that personal data is processed lawfully and fairly. Personal data imparted and recorded with regard to pension payments of individuals will be treated in a highly confidential manner by finance staff. No other member of PSNI staff will have access to this data. Persons who give their data to the police have the expectation that it will be treated fairly and any public disclosure will be unlawful if there is a breach of that law of confidentiality.

Police officers and their family provide personal data to the organisation and have the expectation that it will be treated fairly. Any disclosure of this type of data into the public domain, even in this case concerning a now convicted murderer, is unlawful and should not be disclosed.

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 finance purpose. Once personal data has been publicly disclosed, it will in most cases be used for a purpose other than it was initially obtained.

PSNI personnel and their families do not expect their personal data to be used for another purpose. If released into the public domain it will be used for a totally incompatible purpose, which although the individual concerned is already high profile in the media, may lead to further intrusive attention from media and others.

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.