



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2011-01527

**Keyword:** Human Resources

**Subject:** AMP's appealed in B District

### Request and Answer:

Your request for information has now been considered and the decision has been taken not to supply the information you have requested.

### Question

How many Absence Management Panel's (AMPS) have been appealed in B District between 1/5/10 - 1/5/11 and overturned?

### 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.

The exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

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

**Section 40 Personal Information** 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).

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

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 data protection principles.

Principle (1), that personal data is processed lawfully and fairly. Personal data of this nature is initially imparted and recorded for the purposes of the staff administration including sickness / health etc. 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.

When Police officers/staff provide personal data about their health to the PSNI 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 involved in an AMP 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/staff who have been involved in an Amp will not expect their personal data to be used for another purpose.

Any police officer/staff who has been involved in an AMP will have the expectation that their personal data will be processed in a confidential manner. Data Protection Legislation places a legal obligation on the PSNI to notify the Information Commissioner of their purposes for processing personal data. One of these purposes is “**staff administration**” and sickness related data will fall within this purpose. Officers will expect that any data relating to them will not be released into the public domain. To provide the number of amps appealed and overturned within ‘B’ district combined with other information already released into the public domain in relation to sickness/rank/gender may assist in identifying individuals and personal data relating to them which would place PSNI in breach of the DPA 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](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.psnipolice.uk](http://www.psnipolice.uk)

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