



FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-02899

Keyword: Human Resources

Subject: Bullying and Harassment in B District

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 information in response to question 1 in full and
- fully exempt information in response to question 2 pursuant to the provisions of Section 40 of the Act.

Question 1

How many bullying and harassment complaints have been lodged in B District from 01/06/07 to 24/08/11? If possible provide the gender of the officers lodging the complaint and that of the alleged bully/harasser?

Answer

I can advise you that there have been a total of 10 bullying and harassment complaints lodged in B District from 01/06/07 to 24/08/11.

The gender breakdowns of the 10 cases are 7 male claimants/3 female claimants and 8 male respondents/2 female respondents.

Question 2

How many police officers within B District have been temporarily transferred to another station following a complaint or allegation from another colleague from 1/6/10 to 24/8/11, if possible provide the gender of these officers?

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 is listed below:

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

Section 40 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.

Any disclosure under FOIA that could identify individuals will breach principles 1 and 2 of the Data Protection Act 1998.

Principle (1), that personal data is processed lawfully and fairly. Personal data of this nature is initially imparted and recorded for the purposes of organisational administration. 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 have provided personal data about bullying and harassment 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 any officers who have been involved in any bullying and harassment complaints would 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 processed for a specific purpose. Once personal data has been publicly disclosed, it will in most cases be used for a purpose other than what it was initially obtained for. If Police officers have been involved in any bullying and harassment complaints they will certainly not expect their personal data will be used for any other purpose. They will also have the expectation that it will be processed in a confidential manner.

To provide the information requested combined with any other information already released into the public domain on this subject, may assist in identifying individuals and personal data relating to them which would place PSNI in breach of the DPA 1998. Officers will expect that any data relating to them will not be released into the public domain and the Service has a duty to protect the personal data of all individuals.

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.

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.psnipolice.uk

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