



FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-02442

Keyword: Human Resources

Subject: Changes in Personnel in G 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

List of all Constable, Sergeant and T/Sergeant roles in 'G' District broken down by role and DCU they are performed in.

Where personnel have been changed/added since 1st April 2011 to date of receipt of this request.

(Response Constable being the only exception)

Clarification

I request a list of all Constable, T/Sergeant and Sergeant roles where there has been a change in personnel or a new role created between 1/4/11 and 01/09/11. This includes temporary or secondment. Except all response roles.

All of the above within G District by role only and the area/dept it is in.

Answer

Section 17(1) 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, as well as the factors the Department considered are listed below:

Section 40 (2) (a) (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.

Any police officer who has changed rank or role through promotion, temporary promotion, temporary appointment or transfer 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 promotion/transfer data will fall within this purpose. Officers will expect that any data relating to them will not be released to any other person.

This specific information requested by you relates to serving police officers and it is data that is processed to learn or decide something about those individuals. Additionally and importantly there is the potential to identify someone from the data either through a comparison of what is already available or as an incidental consequence. There is therefore a risk that information released as part of this request could be compared with what is already known or available about promotions or role changes. Any information to be disclosed as part of this request must be suitable to be released into the public domain.

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 of the data protection principles.

Principle 1 is that personal data must only be processed lawfully and fairly. Personal data of this nature is initially imparted and recorded for the purposes of staff administration including promotions, transfers 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.

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 who have changed roles through transfer or promotion will not expect their personal data to be used for another purpose.

Therefore, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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.psni.police.uk

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