



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-00380
Keyword: Human Resources
Subject: Duty Restrictions in G District

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.

I have today decided to:

- disclose information relating to questions 2 and 4 in full; and
- fully exempt information relating to questions 1 and 3 pursuant to the provisions of Section 40(2)(a)(b) by virtue of Section 40(3)(a)(i) of the Act.

Request:

I request the following only in regard to officers who are attached to G District.

Question 2

The average length of time that these police Constables have their duty restrictions in place for.

Answer

The average length of time for these Constables is 171.86 days.

Question 4

The average frequency of OHW appointments which are not self referred whilst having temporary duty restrictions in place.

Answer

The average number of appointments is 5.36.

Question 1

The total number of police Constables that have temporary duty restrictions in place.

Question 3

The total number of police Constables who have permanent duty restrictions within DDA guidelines.

Answer

Your request for information has been considered and the decision has been taken not to supply the information requested within questions 1 and 3.

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

Section 40 is a class based, absolute exemption and this means that the legislator's have agreed there would be harm if this information were released and 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.

All requests made under the 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 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 released if disclosure would not breach any of the 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 staff administration by the PSNI. It will be treated in a highly confidential manner by personnel staff and also dedicated PSNI health professionals. No other member of PSNI staff will have access to this data. Any public disclosure will be unlawful if there is a breach of that law of confidentiality.

Police officers and police support staff consensually 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 that relates to a small number of staff within a specific district ie 'G' District, 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 staff administration health 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 staff do not expect their personal data to be used for another purpose. If released into the public domain or to other staff members it will be used for a totally incompatible purpose, which could lead to intrusive attention from others and in this instance there is also a risk that any release could have a detrimental impact on their health.

In conclusion, release under the Freedom of Information at this level of detail would be unfair to the individuals concerned and therefore a breach under the data protection principles.

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.