



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2011-01461

**Keyword:** Road Policing

**Subject:** Roads Policing Contact Details

### 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 to in full; and
- partially exempt information in response to question 2 pursuant to the provisions of Section 38 (a) and (b) and Section 40 (2) (a) and (b) by virtue of Section 40 (3) (a) (i) of the Act.

### Question 1

Please could you provide, via email, the name and address for the Head of Roads Policing?

### Answer

Superintendent Muir Clark  
PSNI Castlereagh  
2 Alexander Road  
Belfast  
BT6 9HP

### Question 2

Please could you provide, via email, the name and address for the Head of Training for Roads Policing?

### 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.

It has been decided not to release the name of the person who is Head of Training for Roads Policing. The exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 38 (a) and (b) – Health and Safety

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

Section 38 Health and Safety is a prejudiced based exemption which means that the PSNI must demonstrate that it is satisfied that to release the information would be likely to endanger the physical or mental health of any individual.

It is also a qualified exemption which means that the PSNI must consider the balance of the public interest in releasing the information against the public interest in withholding it.

A summary of the Harm and public Interest Test considerations for Section 38 is provided below;

### **Harm Test Section 38**

Disclosure of the names of individuals in roles other than those in senior positions within the PSNI could place individuals at risk and impact on their safety. The PSNI is currently under high threat from terrorists and releasing names of personnel could assist these terrorists in targeting individuals.

### **Public Interest Test Section 38**

#### **Factors Favouring Release**

Releasing the information would promote openness and transparency. The public would be better informed about staff roles within the service.

#### **Factors Favouring Retention**

Releasing the names of individuals who work within the PSNI into the public domain may assist terrorists and criminal elements to carry out attacks on these persons.

### **Decision**

I have determined that the release of the name of staff member who holds the post of Head of Training for Roads Policing into the public domain would not be in the public interest. The Service is currently under a high threat from terrorists and disclosure of this information has the potential to assist those seeking to carry out attacks against police officers/ staff. The safety of any individual is of paramount importance and the PSNI will not divulge any information which could put lives at risk.

**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 FOI 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 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.

Members of staff are entitled to protection under the Data Protection Act 1998. The Service would be failing in its lawful duty were it to breach the Data Protection Act in order to furnish a disclosure under the Freedom of Information Act 2000. The Service has a duty to protect the personal data of all individuals. To release the member of staff's name in association with his role and employer would in effect be a release of personal information into the public domain.

In order to assist you it has been decided to release the contact address of Training for Roads Policing.

Head of Training for Roads Policing  
Steeple Barracks  
Antrim  
BT41 1AD

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.