



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2012-01704

Keyword: Complaints/Discipline

Subject: Criminal Convictions

Request and Answer:

Question 1

Please provide details about how many police officers have been convicted of crimes between January 2012 and present?

Answer

From January 2012 to the date of your request, three serving officers received a criminal conviction.

Question 2

Please state what crimes they were convicted of and how many were given custodial sentences?

Answer

Section 17 (1) of the Freedom of Information Act 2000 requires the PSNI, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which;

- states the fact
- specifies the exemption in question and
- states (if not otherwise apparent) why the exemption applies

Section 40 (2) (a) (b) Personal Information

Section 40 is an absolute exemption and does not require the public interest or harm to be evidenced to an applicant.

Public Authorities are in general, exempt from the Act's duty to provide access to 'personal data' (as defined in the Data Protection Act 1998). Where an application for information is made by someone other than the 'data subject', disclosure of that information will often constitute a breach of the Data Protection Act and consequently the public authority will usually be exempt from its duties under the FOI Act as a result of Section 40 (2).

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 refused if disclosure would

breach any of the data protection principles.

I have examined whether the information you requested is personal data as defined within the provisions of the Data Protection Act, particularly the following;

- Does the data relate to or focus on or is it about a living individual(s)?
- Could someone be identified from the data?
- As an incidental consequence could you learn something about an identifiable individual?
- Does the data impact on their privacy either in their work or family life?

The information requested relates to police officers' 'sensitive personal data' i.e. their criminal record which is processed to ascertain 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, for example information published in the media, or as an incidental consequence. Any information to be disclosed from this request must be suitable to be released into the public domain.

Principle 1 of the Data Protection Act 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. Information on an officer's criminal record or disciplinary record 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 of the Data Protection Act is that personal data is processed for a specific purpose and not subsequently further processed in any manner incompatible with that purpose. Personal data in this instance is gathered and processed for a specific purpose, i.e. internal disciplinary purposes. 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 are the subject of criminal and disciplinary proceedings will not expect their personal data to be used for another purpose.

In this instance I am satisfied the information requested is 'sensitive personal data' as it refers to living individuals and if released as public disclosure, would impact on the subjects' work and family life. The information requested focuses on a small number of officers involved in criminal prosecution during a very recent and narrow time-frame, i.e. the past three months. Information in relation to these officers' criminal offences has recently been subject to media attention. The officers involved would be known to their colleagues across the Organisation, and to members of the public. Providing details on these convictions, along with the time-frame, together with information that is already in the public domain would reveal that these officers are still serving in the PSNI and therefore be a breach of the Data Protection Act.

Question 3

Please provide details about how many police officers were convicted of crimes between January and December 2011?

Answer

Ten serving officers received criminal convictions between January and December 2011.

Question 4

Please state what crimes they were convicted of and how many were given custodial sentences?

The convictions were for the following offences:

Excess speed, careless driving, breach of the firearms (Northern Ireland) Order 2004, breach of the Data Protection Act 1998, driving without due care and attention.

No serving officer was given a custodial sentence.

Question 5

Please provide details about how many police officers were convicted of crimes between January and December 2010?

Answer

Seven serving officers received criminal convictions between January and December 2010.

Question 6

Please state what crimes they were convicted of and how many were given custodial sentences?

Answer

The convictions were for the following offences:

Careless driving, no insurance, excess speed, dangerous driving, driving without due care and attention.

No serving officer was given a custodial sentence.

Whilst the PSNI take extremely seriously any wrongdoing by a police officer, the number of cases should be put into context of the number of officers attached to PSNI during the time-frame requested i.e., an average strength of around 8000 officers.

The information supplied has been compiled by the PSNI's Professional Standards Department which has responsibility for internal discipline relating to police officers.

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.