



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2012-01068

**Keyword:** Complaints/Discipline

**Subject:** Officers Disciplined

### Request and Answer:

#### Question

Please state how many G District officers have faced misconduct hearings in the last three years (2009, 2010 and 2011)? Please provide a table indicating the year, reason/offence for each misconduct hearing, whether a hearing took place or the officer resigned beforehand, the punishment handed out to this officer/result of misconduct hearing.

Please state the same for Foyle officers.

You previously clarified - I want the information in the same form as below but pertaining to G District. It includes officers who were sacked. [http://www.psnl.police.uk/psnl\\_misconduct.pdf](http://www.psnl.police.uk/psnl_misconduct.pdf)

#### Answer

Your request for information has been considered and the decision has been taken not to supply the information you have requested.

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

The exemption as well as the factors the Department considered is listed below:

#### 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 disciplinary 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 FOI response [http://www.psnj.police.uk/psni\\_misconduct.pdf](http://www.psnj.police.uk/psni_misconduct.pdf) or as an incidental consequence. Any information to be disclosed from 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 discipline. 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 information in this instance is gathered and processed for a specific purpose, i.e. 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 have been disciplined 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 a public disclosure, would impact on the subjects' work and family life. The information requested focuses on a small area within a District. The officers involved would be known to their colleagues in Foyle, G District, across the Organisation, and known to certain members of the public. Providing information on the year the misconduct hearing took place, along with the offence and the disciplinary sanction imposed, would therefore be a breach of the Data Protection Act and as a result is withheld under S40(2).

However, given that your interest relates to officers in G District who have faced misconduct hearings in the last three years, I believe that aggregated information could be disclosed without breaching data protection principles, which is below, for your information;

Five officers attached to G District appeared before a misconduct hearing in the last three years. The

range of sanctions imposed were as follows:

Requirement to resign/dismissal x1

Monetary penalty x3

Reprimand/caution x1.

In the last three years, two officers attached to G District resigned prior to a misconduct hearing taking place.

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.