



FREEDOM OF INFORMATION REQUEST



Request Number: F-2012-00366

Keyword: Human Resources

Subject: Sergeants from a Catholic/Non Catholic Background in F District

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 in full;
- fully exempt information in response to question 2 pursuant to the provisions of Section 38 and 40 of the Act.

Question 1

I would like to make a request as to the number of Sergeants in F district who are from a Catholic/non Catholic background?

Answer

There are 73 Sergeants in F District, 13 have a Catholic community background and 60 are from a Non Catholic community background.

Question 2

The number of Sergeants in neighbourhood posts who are from a Catholic/non Catholic background in F district.

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.

The exemptions, 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 40(3)(a)(i) – Personal Information
Section 38(1)(a) and (b) - Health and Safety

Section 40 – Personal Information

This is an absolute and class based exemption. The information sought must fall within the class of information covered by the exemption. In this instance the information must be personal i.e. information from which a person can be identified. Releasing that information must breach at least one of the data protection principles. As this is an absolute exemption the legislators have assumed that harm will be caused should the information be released.

Any disclosure under FOIA is a **public disclosure** and release of the personal data of an individual relating to their community background would breach principles 1 and 2 of the Data Protection Act 1998.

Principle (1), that personal data is processed lawfully and fairly. Personal data of this nature is recorded for monitoring purposes by the PSNI. It will 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. Community background information is recorded in order to comply with the Fair Employment (Monitoring) Regulations (NI) 1999. 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 will not expect their personal data to be used for another purpose. There will be a high risk this information may be used for a totally incompatible purpose.

Although the information you have requested is only statistical data which is not directly linked to one individual, the perceived community background data could be combined with other information in the public domain such as school background, sporting activities, social venues to identify individual Catholic officers. This information can not be truly anonymised as the number of Sergeants in neighbourhood posts in F district is low level data making it easier to identify living individuals.

Section 38(1)(a) and (b) - Health and Safety

Harm

To place information into the public domain that identifies small groups of officers by their religious background could lead to targeting of those officers by elements in the community from opposing religious/community backgrounds or terrorist groups. This would therefore leave these officers vulnerable to attack thus breaching their human rights – in particular Article 2 Right to life.

Public Interest Test

Factors Favouring Release

Releasing this information would promote openness and transparency.

Factors Favouring Retention

Terrorist activity is a real and current threat and the PSNI has a duty of care to protect its officers. Disclosure of this information could endanger the lives of these officers. Recent murders, serious injuries sustained and attempted attacks on other Catholic officers reflect the 'severe' threat which already exists to officers from this community background. Information can not be released into the public domain which would assist in **confirming** the community background of these officers, especially as terrorists are intent on targeting these officers.

Decision

A disclosure under the Freedom of Information Act is a release of information to the world in general and not just to an individual applicant. The PSNI has a duty of care towards all its' officers and staff and has a grave concern that the provision of the data in the requested format may have unforeseen risks for the officers concerned.

It is therefore considered that the public interest in withholding the information outweighs the public interest in disclosure.

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.