



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2012-02431

**Keyword:** Human Resources

**Subject:** PSNI Recruitment and Transfers

### 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 questions 1 to 2 in full;
- partially exempt information in response to question 3, pursuant to the provisions of Section 38 and Section 40 of the Freedom of Information 2000 (the Act).

### Question 1

Does the Police Service of Northern Ireland have any plans to carry out a recruitment campaign before the new police college is built in Desertcreat, Cookstown?

- a. If so, what month/year will such recruitment take place and how many Officers would the PSNI plan to recruit at this time?
- b. If not, what month/year does the PSNI plan to hold recruitment after the college is built and how many Officers would be required?

### Answer

In response to the information you have requested, this information is available from the PSNI Publication Scheme and can be accessed using the following link:

[http://www.psnipolice.uk/psni\\_recruitment.pdf](http://www.psnipolice.uk/psni_recruitment.pdf)

### Question 2

Does the Police Service of Northern Ireland currently have the facility for Police Officers of all ranks, in the rest of the UK (i.e. England, Scotland and Wales), to transfer into the PSNI?

- a. If so, what conditions must be met, for all ranks, for such a transfer to take place?
- b. If so, is such a facility available at all times or only when there is a need for Officers within the PSNI?

### Answer

The PSNI can only accept transferees during a 'live' competition to transfer, which is run when

organisational need dictates. The PSNI has run two of these since 2007 at the rank of Constable, and again, budget will be a key factor in decision making for any future processes. Entry criteria is specific to each competition and organisational need at the time, but is generally serving and substantive in the rank, satisfactory attendance and discipline, and passing the assessment, medical, vetting and substance misuse stages of the process.

The appointment at ACC is excluded, as this is a matter for the Northern Ireland Policing Board.

### **Question 3**

Since the closing date of the last recruitment campaign for Police Officers undertaken by the Police Service of Northern Ireland, how many Police Officers have transferred to the PSNI from other Police Services in the UK (i.e. England, Scotland and Wales)?

a. Please list such Officers by “rank when transferred”, “date of transfer”, “district and station in which they were initially posted” and “Police Service which they transferred from”.

### **Answer**

I have decided to exempt information with regard to ‘district and station in which they were initially posted’.

Section 17(1) 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) and (b) by virtue of Section 40(3)(a)(i) – Personal Information  
Section 38 (1) (a) and (b) – Health and Safety

Section 38 is prejudice based qualified exemption and this means that the public authority is required to provide harm that could occur following disclosure of the requested information and must consider the balance of the public interest in releasing the information against the public interest in withholding it.

**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 individual officer's details in association with their rank, former Police Force and District / Station within the PSNI would in effect be a release of personal information into the public domain. When Police officers provide personal data about their career history to the PSNI they will have an expectation that it will be treated fairly. Any disclosure of this type of data into the public domain that relates or could be used to identify officers who have been involved in a transfer into PSNI 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 purpose. Once personal data has been publicly disclosed, it will in most cases be used for a purpose other than it was initially obtained.

Whilst no individual officer will be immediately identified from the information sought, there is the potential for an officer to be identified from that information, particularly if taken together with information which may be already in the public domain.

Data Protection Legislation places a legal obligation on the PSNI to notify the Information Commissioner of their purposes for processing personal data. One of these purposes is “**staff administration**” and transfers into PSNI will fall within this purpose. Officers will expect that any data relating to them will not be released into the public domain in relation to rank /date of transfer/ from other Forces and the District / Station where they transferred into may assist in identifying individuals and personal data relating to them which would place PSNI in breach of the DPA 1998.

The summary of the Harm and Public Interest considerations for Section 38 are provided below:

## **Harm Test**

### Section 38 – Health and Safety

Disclosure of all the details of officers transferring into PSNI from other Police Forces and the District/Station within PSNI that they have transferred into could put these individuals at risk and impact on their safety. The disclosure of this level of information would likely be valuable intelligence for terrorist groups thereby exposing officers at large to risk of attack. The Service is currently under threat from terrorists and releasing details of officers transferring into PSNI could assist these terrorists in targeting individuals.

## **Public Interest Test**

### Factors favouring release - Section 38

Releasing the information would promote openness and transparency. The public would be better informed about officers transferring from other forces into PSNI.

### Factors favouring retention - Section 38

Releasing the details of any officers who have transferred into PSNI from other Police Forces into the public domain would assist terrorists and criminal elements to carry out attacks on persons within this establishment.

## **Decision**

I have determined that the release of details of officers who have transferred into PSNI from other Police Forces and the District / Stations which they transferred to 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. The safety of any individual is of paramount importance and the PSNI will not divulge any information which could put any officer's lives at risk.

Under Section 16 – duty to provide advice and assistance the PSNI can advise you that since the closing date of the last recruitment campaign (February 2010), a total of 57 officers have transferred to the PSNI, at Constable rank, and all from the transferee process advertised in 2011. The PSNI can only accept transferees during a 'live' competition to transfer, which is run when organisational need dictates. The transfers took place in January, February and March 2012.

The officers transferred from the Police Forces listed below:

An Garda Siochana  
Avon & Somerset Police  
Cheshire Constabulary  
City of London Police  
Durham Constabulary  
Essex Police  
Greater Manchester Police  
Hampshire Constabulary  
Hertfordshire Constabulary  
Kent Police  
Lancashire Constabulary  
Leicestershire  
Constabulary  
Lothian and Borders Police  
Metropolitan Police  
Norfolk Constabulary  
North Yorkshire Police  
South Yorkshire Police  
Staffordshire Police  
Strathclyde Police  
Tayside Police  
Thames Valley Police  
West Midlands Police  
West Yorkshire Police  
Wiltshire Police

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.