



FREEDOM OF INFORMATION REQUEST



Request Number: F-2012-02021

Keyword: Human Resources

Subject: Sickness AMPS in Garnerville

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 questions 2 and 3 pursuant to the provisions of Section 40 of the Act.

Question 1

How many police officers in this district who have had an AMP in relation to sickness in 2010 and 2011?

Clarification received confirms that the request for information only refers to Garnerville.

Answer

In Garnerville the total number of officers who have received an AMP regarding sickness in 2010 and 2011 is 9.

Question 2

How many of these AMPS resulted in a warning in 2010 and 2011?

Question 3

How many police officers lost their CTRP payment as a result of sickness in 2010 and 2011?

Answer

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 exemption, 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 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).

Any disclosure under FOIA is a **public disclosure** and release of the personal data of an individual relating to sick absence would breach principles 1 and 2 of the Data Protection Act 1998. When information contains personal data about a third party it can only be released if disclosure would not breach any data protection principles.

All requests made under FOIA 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.

Principle (1), that personal data is processed lawfully and fairly. Personal data of this nature is initially imparted and recorded for the purposes of the staff administration including sickness. 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.

When Police officers provide personal data about their health 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 any warnings or appeals regarding their sick absence 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. Police officers who have been involved in any warnings/appeals process regarding staff sick absence 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, which could lead to intrusive attention from the media or others.

Any police officer who has been involved in the AMPS or CPTR appeals process regarding their sick absence will have the expectation that their personal data is only to be used for the purpose for which it has been provided for and that the data will be processed in a confidential manner. The information requested maybe of particular interest to you as the requester, but I am not aware of any general public interest in the AMP and CTRP process. The role of the FOI Unit is to provide information within the boundaries of the legislation. This information is classified as sensitive within the Data Protection Act and each individual concerned will have his/her own view on the level of sensitivity they place on it. Data Protection Legislation places a legal obligation on the PSNI to notify the Information Commissioner of their purposes for processing personal data. Any information that has the potential or carries a risk that someone could be identified or the release would have an adverse impact on PSNI staff will not be disclosed into the public domain. Therefore to provide the information requested for police officers in Garnerville for AMPS resulting in a warning in 2010 and 2011 and who lost their CTRP payment at a level that would highlight small numbers of officers combined with other information already released into the public domain equates to personal data relating to them which would place PSNI in breach of the DPA 1998 and could potentially cause harm or distress to the individuals concerned. The PSNI has a duty of care towards all of its' officers and staff and this information. Not only would this be a breach of the Data Protection legislation by the PSNI, but it would also leave the PSNI open to actions against it by the individuals concerned. 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.

To prevent a breach of the DPA 1998 and to reduce any risks of identifying individuals it has been decided that the information requesting the number of AMPS resulting in a warning in 2010 and 2011 and the number of police officers who lost their CTRP payment as a result of sickness in 2010 and 2011, can be released by banding the information.

Under Section 16 of the Act I can advise you that in relation to the second question in order to prevent anyone being identified and as such breach the Data Protection Act I can advise that the number of AMPS resulted in a warning in 2010 and 2011 within Garnerville fall within the banding of 0-5. In relation to question 3 I can advise that the number of police officers in Garnerville who lost CTRP payment as a result of sickness in 2010 and 2011 also fall within the banding 0-5.

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.