



FREEDOM OF INFORMATION REQUEST



Request Number: F-2017-03279

Keyword: Complaints/Discipline

Subject: Compliants of Racism

Request and Answer:

Your requests for information below have now been considered. In respect of Section 1(1)(a) of the Freedom of Information Act 2000 (FOIA). I can confirm that the Police Service of Northern Ireland does hold some of the information you have requested and this is being provided to you. We further consider the information you seek in request 4 is exempt by virtue of Section 40 (2) (b) FOIA and have detailed our rationale as to why this exemption applies. We have also provided you with links to guidance issued by the Information Commissioner's Office which we have followed in responding to your request.

Request 1

How many racism complaints against Police Service of Northern Ireland officers or staff (this includes both complaints from members of the public and other Police Service of Northern Ireland staff - please state the number of complaints made by each) were recorded in each of the following calendar years: 2015, 2016, and 2017 so far?

Answer

The following number of complaints of racism have been received against PSNI officers:

In 2015 = 21
In 2016 = 15
In 2017 = 14

The following number of complaints of racism were received internally by PSNI Human Resources:

In 2015 = 2
In 2016 = 2
In 2017 = 2

Request 2

How many of the above racism complaints against Police Service of Northern Ireland officers or staff resulted in a case to answer outcome (or equivalent) in each of the following calendar years: 2015, 2016, and 2017 so far?

Answer

The following number of racism complaints have been proven or resulted in a formal/informal disciplinary sanction:

In 2015 = 1
In 2016 = 2
In 2017 = 0

It should be noted that some of the racism complaints received during 2015-2017 may still be under investigation and may yet result in disciplinary sanctions.

In 2015 = 2 , resulted in no further action
In 2016 = 1, resulted in no further action.

Request 3

Please make a random selection of 25 racism complaints from the entire time period marked as 'no case to answer' or equivalent, then provide a summary of each allegation of racism from the selected complaints. If fewer than 25 complaints were marked 'no case to answer' or equivalent, then please provide details of every case.

Answer

Please find below summary of 25 cases where no misconduct was proven:

Complainant alleged that an officer discriminated against them because they were Irish
Complainant alleged that police were stopping and searching them because of their race
Complainant alleged that comments made by an officer were racist
Complainant alleged that police approached them purely on the basis that they were black
Complainant alleged that an officer made an inappropriate comment during a telephone call
Complainant alleged that police made offensive remarks about them being Scottish
Complainant alleged that police called them names and referred to them being from the travelling community
Complainant alleged that their cultural traditions have been questioned by police
Complainant alleged racial discrimination by a police officer
Complainant stated that they were subjected to racially motivated abuse by the driver of a police vehicle
Complainant alleged that police are treating them differently when reporting incidents due to their race
Complainant alleged that police discriminated against them by failing to investigate their reports
Complainant alleged that a police officer treated them unfairly due to their being Polish
Complainant alleged that they were treated unfairly due to being a member of the travelling community
Complainant alleged that an officer discriminated against them because they were from the Republic of Ireland
Complainant alleged that police discriminated against them because they were a member of the travelling community
Complainant alleged that police discriminated against them because of their nationality
Complainant alleged that their treatment by police was racially motivated
Complainant alleged that an officer dealt with them less favourably/professionally once they heard their accent
Complainant alleged that police threatened to hit them because they were Polish
Complainant alleged that a police officer was racist towards them
Complainant alleged that they was only arrested and detained because of their ethnic origin.
Complainant alleged that police are treating them differently to their partner who is a local
Complainant alleged that police were racist in their attitude towards them during the search of their home
Complainants alleged that police discriminated towards them on grounds of their race and that they were foreign students

Request 4

In each of the years listed above, how many Police Service of Northern Ireland officers or staff resigned or were sacked following a racism complaint? Please state each employee's rank (or role).

Answer

There were no Police Staff who were sacked or required to resign.

There were a total of 3 officers, however due to the low level it has been decided not to provide the rank of these officers:

Section 17 of the Freedom of Information Act 20009 requires the Police Service of Northern Ireland (PSNI), when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

- a) states the fact
- b) specifies the exemptions(s) in question
- c) states (if not otherwise apparent) why the exemption applies

The exemption is as follows:

Section 40(2)(a)(b) by virtue of 40 (3) (a) (i) - 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).

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?
- 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?

Due to the information being considered as low level data, i.e. a small number of incidents, where an officer has been disciplined over allegations of racism the information requested has the potential, if released, to identify officers who have been subject to formal discipline action. This is particularly likely where the rank and role of officers are released, and if used in conjunction with information which may already be in the public domain or which may appear in the public domain at some time in the future. All of the factors increase the risk of identification and breach of the individual's data protection rights.

In this instance I am satisfied that if released as public disclosure, this information would impact on the subjects' work and family life, would therefore be a breach of the Data Protection Act and as a result is withheld under S40(2).

If you have any queries regarding your request or this 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.psnipolice.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.