



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-01122

Keyword: Complaints/Discipline

Subject: Police Officer Suspensions

Request and Answer:

Your request for information below has 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 that some of the information you seek is exempt by virtue of Section 40 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 members of staff under your policing authority have been suspended from January 2016 onwards, what was the reason for their suspension and what was the outcome of related investigations?

Answer

Section 17 of the Freedom of Information Act 2000 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)(a) Personal Information – Information constitutes personal data and disclosure would contravene any of the Data Protection principles.

We have explained below in our response why these exemptions are engaged and the full text of exemptions can be found at www.legislation.gov.uk. Further guidance on how they operate can be located on the Information Commissioners Office website www.ico.org.uk.

Section 40 (2) of the FOIA is an absolute exemption which means there is no requirement on the PSNI to consider whether there is a public interest in disclosure. It is an interface exemption and we

must consider whether release of the information would breach the General Data Protection Regulations ('GDPR') or the Data Protection Act 2018 ('DPA') Third party personal information in relation to witness statements, police personnel, forensics staff etc. and this information constitutes their 'personal data' under the GDPR (Article 4) and DPA (Part 1 s.3).

Under the Freedom of Information Act, PSNI must consider if information can be released into the public domain. I have therefore considered whether the disclosure of this personal data is subject to the exemption at Section 40(2) of the Freedom of Information Act 2000 by virtue of s40 (3)(A)(a). As this information is 'personal data', PSNI considered whether disclosure would contravene any of the six data protection principles contained within the GDPR or DPA.

The six data protection principles are good information handling standards which PSNI must comply with in relation to how it handles personal information, including deciding whether to disclose it or not. In particular, the first principle requires personal data to be processed 'fairly and lawfully'. In considering whether it is 'fair' to any individual to release information about them, PSNI considered the likely expectations of those individuals and the nature of the information involved. Individuals must have confidence that their information is treated sensitively and appropriately by PSNI. We consider those individuals would not have any reasonable expectation PSNI would disclose such information of this nature about them. We consider it would be extremely unfair to those individuals and therefore a breach of the first principle of data protection legislation. This information is therefore exempt under section 40 (2) of the FOIA as it contravenes data protection legislation to release it and the PSNI has made the decision to withhold that information.

To provide details on the date when an officer in the request were suspended i.e. month or day, would make it easier to identify the officer involved, particularly when used in conjunction with the other information which is released (allegation and outcome), or other information which may already be in the public domain. It is therefore necessary that the details of the suspension dates be limited to the year in which they were suspended, and the duration of the suspension be described in terms of weeks, rather than specifying the dates which it encompassed.

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).

The released information in relation to your request is as below:

Year of suspension	Length of suspension (months)	Allegation	Outcome
2016	4	Contempt of course	Dismissed
2016	13	Firearms offences	Reduction in pay
2016	28	Perverting the course of justice	Investigation ongoing
2016	28	Inappropriate relationship	Investigation ongoing
2016	0	Drugs offences	Resigned prior to conclusion of misconduct proceedings
2016	9	Sexual offences	No further action
2016	3	Assault / burglary / firearms offences	Advice & guidance
2016	2	Common assault / perverting the course of Justice	Advice & guidance
2016	25	Sexual offences	Investigation ongoing
2016	10	Misconduct in a public office	Superintendent's Written Warning
2016	15	Misconduct in a public office / data protection	Investigation ongoing
2016	4	Sexual offences / fraud	No further action
2016	11	Data Protection	Resigned prior to conclusion of misconduct proceedings
2016	10	Misconduct in a public office	Dismissed without notice
2016	20	Misconduct in a public office / data	Investigation ongoing

		protection	
2016	1	Dishonesty in relation to sick leave	Required to resign
2016	7	Fraud	No further action
2016	7	Fraud	No further action
2016	9	Drugs offences	Dismissed without notice
2016	6	Common assault / assault / AOABH	Required to resign via other process
2016	1	Harassment	Required to resign
2016	17	Drugs offences	Investigation ongoing
2017	5	Common assault / assault / AOABH	Management action
2017	13	Assault / criminal damage	Investigation ongoing
2017	4	Firearms offences	Final written warning
2017	14	Common assault / assault / AOABH	Investigation ongoing
2017	6	Driving with excess alcohol	Resigned prior to conclusion of misconduct proceedings
2017	8	Assault & possession of offensive weapons	No further action
2017	14	Domestic abuse	Dismissed with notice
2017	13	Fraud	Investigation ongoing
2017	5	Sexual offences	Officer repositioned
2017	4	Sexual offences	Resigned prior to conclusion of misconduct proceedings
2017	9	Harassment	Investigation ongoing
2017	3	Theft	Resigned prior to conclusion of misconduct proceedings
2017	9	Sexual offences	Investigation ongoing
2017	9	Data Protection	Investigation ongoing
2017	6	Misconduct in a public office	Resigned prior to conclusion of misconduct proceedings
2017	3	Theft	Dismissed
2017	5	Drugs offences	Investigation ongoing
2018	4	Burglary	Investigation ongoing
2018	3	Driving with excess alcohol	Investigation ongoing
2018	2	Sexual offences	Investigation ongoing
2018	0	Sexual offences	Investigation ongoing
2018	0	Inappropriate language	Investigation ongoing

It should be noted that this information relates to officers who have been suspended as the result of suspected misconduct, and does not necessarily indicate that misconduct charges were proven against the officers in each case, or that they were found guilty of criminal offences.

This information has been provided by Professional Standards, Legacy & Justice Department.

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.