



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-02701

Keyword: Complaints/Discipline

Subject: Positive Drugs Tests

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 the information you have requested and this is being provided to you. We further consider that the information broken down by year 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 police officers have tested positive for drugs in the last three years?

Please provide answers in a yearly breakdown for the last three years (2015, 2016 and 2017). Here police officers include PCSOs.

Request 2

How many police officers have been suspended after testing positive for drugs in the last three years?

Please provide answers in a yearly breakdown for the last three years (2015, 2016 and 2017). Here police officers include PCSOs.

Request 3

How many police officers have lost their job as a result of testing positive for drugs in the last three years?

Please provide answers in a yearly breakdown for the last three years (2015, 2016 and 2017). Here police officers include PCSOs.

Request 4

Which drugs have police officers tested positive for in the last three years?

Please provide answers in a yearly breakdown for the last three years (2015, 2016 and 2017). Here police officers include PCSOs.

Answers

In relation to the above 4 requests it has been decided not to provide the information as requested, 'broken down by individual years', as to do so is considered to be low level sensitive data and this has been explained below.

However to assist with your request the information has been provided for each request as a total for the 3 year period.

Section 17 of the Freedom of Information Act 2009 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.

Due to the data requested i.e. the data broken down per year it is considered by PSNI to be low level data due to the small number of officers involved in the response and it is believed it would increase the likelihood of an officer being identified from the information. This would be particularly likely if the information was used in conjunction with other information already in the public domain, or by comparing the data provided from the 4 different questions in this request.

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).

Please find below the responses to each request for the total 3 year period:

Request 1

How many police officers have tested positive for drugs in the last three years?

Please provide answers in a yearly breakdown for the last three years (2015, 2016 and 2017). Here police officers includes PCSOs.

Answer

Please note that PSNI do not have the officers at the rank of Police Community Support Officers (PSCSO)

During the past three years a total of four police officers have tested positive for drugs.

Request 2

How many police officers have been suspended after testing positive for drugs in the last three years?

Please provide answers in a yearly breakdown for the last three years (2015, 2016 and 2017). Here police officers include PCSOs.

Answer

During the past three years a total of three police officers have been suspended on account of having tested positive for drugs.

Request 3

How many police officers have lost their job as a result of testing positive for drugs in the last three years?

Please provide answers in a yearly breakdown for the last three years (2015, 2016 and 2017). Here police officers include PCSOs.

Answer

During the past three years a total of three police officers have been dismissed or required to resign as a result of testing positive for drugs.

When considering officers who have not been dismissed or required to dismissed it should be noted that some officers **may** have resigned voluntarily prior to conclusion of misconduct proceedings, or that cases may still be ongoing.

Request 4

Which drugs have police officers tested positive for in the last three years?

Please provide answers in a yearly breakdown for the last three years (2015, 2016 and 2017). Here police officers include PCSOs.

Answer

During the past three years police officers have tested positive for the following drugs:

Cocaine
MDNA (Ecstasy)
Tramadol
Nandrolone

PSNI officers are expected to behave with the highest ethical and professional standards, both on and off duty, and the information provided in this FOI request should be placed in context with the current strength of

the PSNI, which is 6716 Regular Officers and 282 POPTs (Police Officer Part-Time).

This response 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.