



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2018-00528

**Keyword:** Complaints/Discipline

**Subject:** Complaints of Racism or Sexism

### 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 (PSNI) 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 in Request 1 is exempt by virtue of Section 40 (2)(b) of the 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 officers received any kind of disciplined sanction in the 2016/17 year as a result of a complaint of (i) racism, or (ii) sexism and what was the result of that disciplinary action?

### Request for Clarification

Please let me know if you are referring solely to public complaints received by the Police Ombudsman, or do you wish internal Professional Standards investigations, which may or may not have been the result of a complaint to be included?

### Response to Request for Clarification

Internal Professional Standards investigations please.

### Answer

Two officers received a discipline sanction during 2016/17 as the result of a complaint of racism or sexism. In relation to the specific nature of the disciplinary action taken the following refers:

Section 17 of the FOIA requires the 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 Section 40(2)(a)(b) 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 small number of incidents where an officer has been disciplined over allegations of racism or sexism (2 incidents) the information requested has the potential, if released, to identify officers who have been subject to either formal or informal discipline, especially 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).

## **Request 2**

In relation to the incidents in Q.1 please state any words or phrases that were used which were deemed to have been (i) racist or (ii) sexist.

## **Answer**

Any words or phrases deemed to be racist or sexist have not been recorded. It should be noted that complaints may have related to overall conduct or behaviour that was deemed to be racist or sexist rather than specific comments.

In relation to all of the above it should be noted that some investigations commenced during 2016/17 may still be ongoing.

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.psnipolice.uk](http://www.psnipolice.uk)

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