



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2018-00540

**Keyword:** Human Resources

**Subject:** Constable to Sergeant Promotion Process

### Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act I can confirm that the Police Service of Northern Ireland does hold information to which your request relates and this is being provided to you, pursuant to Section 40 of FOIA. I 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

Please under FOI will you provide me with all data, paperwork, emails, correspondence and any other information leading to the assessment of the PSNI that the group who had the 13 or 20 minute delay between reading all the information on the mock police force, Resources, demographics etc had no advantage over those who only had 5 minutes.

### 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, are listed below:

Section 40(2)(a)(b) by virtue of Section 40(3)(a)(i) – Personal Information  
Information constitutes personal data and disclosure would contravene any of the Data Protection principles.

The full text of exemptions can be found at [www.legislation.gov.uk](http://www.legislation.gov.uk) and further guidance on how they operate can be located on the Information Commissioners Office website [www.ico.org.uk](http://www.ico.org.uk).

Section 40 is a class – based exemption, therefore it is not necessary to evidence the harm caused by disclosure or carry out a public interest test. When PSNI receives a request for information that constitutes the personal data about any individual, it must decide whether disclosure would breach

Principle 1 of the Data Protection Act (the DPA), i.e. whether it would be fair and lawful to disclose the information. Whether it will be fair will depend on a number of factors including the reasonable expectations of the individuals involved, the balance between any legitimate public interest in disclosure and the rights and freedoms of the individual(s) concerned.

The information requested relates to correspondence between individuals who we believe would not have a reasonable expectation that their personal information would be released into the public domain. We consider release of these individual's names would be unfair to those individuals as it would not be in their reasonable expectation. PSNI therefore consider the exemption at Section 40 (2) to be engaged in relation to the requested information.

Please see the document attached separately to this correspondence containing relevant emails detailing the assessment by a Grade 7 at Stage 1, a Superintendent at Stage 2 and a Grade 5 at Stage 3. This information contains personal information of PSNI personnel and has been redacted, pursuant to Section 40 of the FOIA.

**Please note:** Human Resources has advised that all other correspondence held on this issue such as Q & A, all 62 appeals and numerous other FOIs have also addressed this point and there is a significant amount of material already released under FOI. FOI responses are published via FOI Disclosure Logs on the PSNI website and can be accessed using the link provided below:

[https://www.psni.police.uk/advice\\_information/our-publications/lists-and-registers/](https://www.psni.police.uk/advice_information/our-publications/lists-and-registers/)

## **Request 2**

Please provide rank/ job title of those who made this decision?

## **Answer**

Superintendent  
Grade 7 – Strategic Lead  
Grade 5 – Head of HR

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.psni.police.uk](http://www.psni.police.uk)

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