



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-201801835

**Keyword:** Human Resources

**Subject:** Police Roll Of Honour

### 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 some of the information to which your request relates. The decision has been taken not to supply the information you have requested and the reasons for this are set out in more detail below. 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

Browsing the Police Roll of Honour Trust website there are several RUC and PSNI officers whose deaths were not as a result of terrorist action. It is for the following officers – 14 in all – that I am trying to find more information regarding the circumstances of their death. On January 21st, 1973, Constable Samuel Hyndman (23) was accidentally shot by a colleague at a house in Armagh and died the following day. Whereabouts in Armagh? (street name)

#### Request 2

Constable Robert McIntyre (41) died on February 4th, 1974, shortly after attending a "keep fit" class in Armagh. Whereabouts class was held in Armagh?

#### Request 3

On August 3rd, 1974, Reserve Constable Ronald Winder (45) collapsed and died while on mobile patrol shortly after attending a call. Where in Northern Ireland? (street, town or city etc)

#### Request 4

Constable Saunderson (45) was struck by a car in 1974 while going on duty and died from his injuries on April 11th, 1975. Date and whereabouts of 1974 RTA? (street, town or city etc)

#### Request 5

Sergeant Thomas Orr (38) suffered a fatal heart attack on October 12th, 1977, during a training exercise. Training exercise whereabouts? (street, town or city etc)

#### Request 6

On March 14th, 1987, Constable Wilfred Woods (60) collapsed and died in the police station radio room. At which RUC station? (street, town or city etc)

**Request 7**

Reserve Constable Stanley Harris (56) collapsed and died on March 28th, 1988, in the police sangar. Of which RUC station? (as above)

**Request 8**

Constable William Graham (47) collapsed and died during a protest rally on November 22nd, 1994. Where in Northern Ireland was the protest rally taking place? (street, town or city etc)

**Request 9**

On April 25th, 1998, Constable Cecil Boyle (55) collapsed and died while making an arrest during a disturbance. Where in Northern Ireland? (as above)

**Request 10**

On July 22nd, 1999, Constable Andrew Taylor (46) collapsed and died driving home from a Belfast RUC station. Which station? Location of incident and vehicle type he was driving?

**Request 11**

Reserve Constable Mervyn McNeill (49) suffered a fatal heart attack while on duty on October 23rd, 2000. What duties was he performing and where?

**Request 12**

On June 10th, 2002, Constable George Haslett (51) collapsed and died in a police station gym in Belfast. At which PSNI station?

**Request 13**

Was Constable Robert Canning (18) on duty when he was killed in a RTA on June 8th, 1978?

**Request 14**

Was Constable William Atkinson (49) driving home from duty when he died in a RTA on May 31st, 1983?

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/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 38 (1) (a) (b) Health & Safety – endanger the physical or mental health of an individual or endanger the safety of an individual.

We have explained below in our response why this exemption is engaged and the full text of this exemption 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 38 is a prejudice based qualified exemption which means that the legislators have identified that the harm (prejudice) in disclosure as well as the public interest considerations need to be evidenced and articulated to the applicant.

## **Harm**

This FOI request relates to Police Officers who have died during the course of their service and whose names appear on the UK Police Roll Of Honour Website and that some information is in the public domain in relation to their deaths. Whilst the PSNI recognises that some time has passed in relation to the deaths of the above officers we are nevertheless cognisant of the families of these officers who have suffered the grief of a sudden loss of a family member. The PSNI would not wish to add to the grief of family members by putting additional information into the public domain through a FOI response. Consequently Section 38 is being applied

Section 38 provides an exemption from disclosing information if such a disclosure would endanger any individual. It is our view that it is wide enough to include those members of the general public who may have known the deceased officers including, colleagues and as outlined above their families.

It is our view (and that of the Information Commissioner) that in order to demonstrate a danger to mental health under Section 38, clinical evidence of a psychiatric condition is not necessary. This has been confirmed by the Information Tribunal which in the PETA case (PETA v Information Commissioner & University of Oxford EA/2009/0076). It also explained however that the effect of the disclosure upon any individual's mental health must "go beyond stress or worry". It is considered that releasing the information could also jeopardise the physical and mental wellbeing of the family members of the deceased in relation to this case.

## **Public Interest Test**

### Factors favouring Disclosure

Public safety is of paramount importance to the PSNI and must always be considered so that the PSNI's ability to fulfil its core function of law enforcement is protected PSNI would not wish to endanger the health and safety of any individual.

### Factors against Disclosure

The PSNI would not wish to add to the grief of family members by putting additional information into the public domain through a FOI response.

## **Decision**

Each of these officers died as a result of non-troubles related events, some whilst off duty. There is no public interest to be served in releasing additional information into the public domain and out of respect to the families of those officers and the PSNI

The release of information under FOI is a release into the public domain and not just to the individual requesting the information. Once information is disclosed by FOI, there is no control or limits as to how the information is shared with other individuals therefore a disclosure under FOI is considered a release to the world in general.

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.