



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-00568

Keyword: Human Resources

Subject: PSNI Promotion Exams

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 information to which your request relates and this is being provided to you pursuant to the provisions of Section 31(1) (a)(b), Section 38 (1)(b), Section S40 (2) by virtue of 40(3)(A)(a) of the FOIA. Our rationale as to why these exemptions apply is provided within the response 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.

In an earlier request to the Policing College you asked for information in respect of three questions:

Request 1

How many Constables' received a DDA reasonable adjustment for physical impairments within the 2007 Part II process.

Request 2

How many Constables' received a DDA reasonable adjustment for learning impairments within Part II of the OSPRE Part II in the years 2007 e.g. Dyslexia.

Request 3

How many Constables held the OSPRE Part I qualification obtained from another Constabulary (please identify which) to enter the PSNI OSPRE Part II processes in 2007/2008?

In this current request you have asked for:

Request 1

Disclosure of information in questions 1 – 3 of your original request for the PSNI Sergeants & Inspectors Part 1 and Part 2 results for the years 2005, 2006, 2008, 2009.

Answer

Human Resources have provided the following breakdown in response to the questions asked.

2005 – Sgt Part 1 (2nd April 2005)

Q1 – no information recorded

Q2 – no information recorded

Q3 – not applicable

2005 – Sgt Part 2 (4th and 5th October 2005)

Q1 – no information recorded

Q2 – no information recorded

Q3 – no information recorded

2006 – Sgt Part 1 (25th March 2006)

Q1 and Q2 – records state 5 officers declared a disability – officers did not apply for a reasonable adjustment

Q3 –not applicable

2006 – Sgt Part 2 (28th and 29th September 2006)

Q1 and Q2 – records state 1 officer declared a disability – officer did not apply for a reasonable adjustment

Q3 –no information recorded

2008 – Sgt Part 1 – no information recorded

2008 – Sgt Part 2 (20th and 21st October 2008)

Q1 and Q2 – records state 2 officers declared a disability – no record of reasonable adjustments received

Q3 –no information held

2009 – Sgt Part 1 – no process held

2009 – Sgt Part 2 – no process held

2005 – Insp Part 1 (2nd April 2005)

Q1 – no information recorded

Q2 – no information recorded

Q3 – not applicable

2005 – Insp Part 2 (4th and 5th October 2005)

Q1 – no information recorded

Q2 – no information recorded

Q3 – no information recorded

2006 – Insp Part 1 (25th March 2006)

Q1 and Q2 – records state 1 officer declared a disability - officer did not apply for a reasonable adjustment

Q3 –not applicable

2006 – Insp Part 2 (28th and 29th September 2006)

Q1 and Q2 – records state no officers declared a disability

Q3 –no information recorded

2008 – Insp Part 1 – no information recorded

2008 – Insp Part 2 (18th November 2008)

Q1 and Q2 – records state 2 officers declared a disability – 1 officer was provided with a reasonable adjustment

Q3 –no information held

2009 – Insp Part 1 – no process held

2009 – Insp Part 2 – no process held

Request 2

Disclosure of information in questions 1 – 3 of your original request for the Sergeants & Inspectors Part 1, 2 & 3 for the years 2012, 2014, 2016.

Answer

No promotion processes were held in 2012 for Sergeants and Inspectors

For 2014 Stage 1 – Registration, Stage 2 – Legal Exam and Stage 3 – Assessment Centre

2014 – Sgt Stage 2 (20th September 2014)

Q1 – None

Q2 – 9 officers received a reasonable adjustment

Q3 – Information not held

2014 – Sgt Stage 3 (3rd – 11th March 2015)

Q1 and Q2 – 20 officers declared a disability – 13 were provided with a reasonable adjustment

Q3 – Information not held

2014 – Insp Stage 2 (6th September 2014)

Q1 and Q2 – records state no officers declared a disability

Q3 – information not held

2014 – Insp Stage 3 (3rd and 4th February 2015)

Q1 and Q2 – records state no officers declared a disability

Q3 – Information not held

For 2016 Sergeant Promotion process Stage 1 – Registration, Stage 2 – Legal Exam, Stage 3 – Sift Tool and Stage 4 – Interview

2016 – Sgt Stage 2 (28th January 2017)

Q1 and Q2 – 16 officers declared a disability – 16 were provided with a reasonable adjustment

Q3 – not applicable

2016 – Sgt Stage 3 (25th, 26th February and 4th March 2017)

Q1 and Q2 – 7 officers were provided with a reasonable adjustment

Q3 – not applicable

2016 – Sgt Stage 4 (3rd – 14th April 2017)

Q1 and Q2 – no officers required a reasonable adjustment

Q3 – not applicable

For 2016/17 Inspector Promotion process Stage 1 – Registration, Stage 2 – Legal Exam, Stage 3 – Presentation and Interview

2016/17 – Insp Stage 2 (20th May 2017)

Q1 – none

Q2 – 3 officers

Q3 – not applicable

2016/17 – Insp Stage 3 (11th to 22nd September 2017)

Q1 – none

Q2 – 2 officers

Q3 – not applicable

Request 3

Disclosure of PSNI feedback reports from 2002 regarding

- i. Constable to Sergeants – Part 1 Legal exam and Part II/III tests
- ii. Sergeant to Inspectors – Part I Legal exam and Part II/III tests
- iii. Inspector to Chief Inspector exams administered by the College/NPIA

Answer

As previously advised, information is being provided to you subject to Section 31, 38 and 40 of the FOIA and an explanation is provided below. The documents contain names and contact details of third parties and also location details of test venues. Please see the redacted documents attached separately to this correspondence.

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) by virtue of 40(3)(A)(a) Personal Information – Information constitutes personal data and disclosure would contravene any of the Data Protection principles

Section 31(1)(a)(b) – Law Enforcement - Information would be likely to prejudice (a) the prevention or detection of crime (b) the apprehension or prosecution of offenders.

Section 38 (1)(b) Health & Safety – endanger the safety of an individual.

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

Sections 31 and 38 are prejudiced based, qualified exemptions which means the PSNI must demonstrate harm in disclosure and consider the balance of the public interest in releasing the information.

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 which can identify individuals is 'personal data' under the GDPR (Article 4) and DPA (Part 1 s.3).

The information redacted by PSNI relates to an individual who we consider could be identified from that information. This information identifying them constitutes their 'personal data'. We 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). If the disclosure of the personal data would contravene any of the data protection principles contained within the General Data Protection Regulations ('GDPR') or the Data Protection Act 2018 ('DPA'), the exemption at section 40(2) of the Freedom of Information Act 2000 will apply. Section 40(2) of the Freedom of Information Act 2000 states "(2) Any information to which a request for information relates is also exempt information if — (a) it constitutes personal data which does not fall within subsection (1), and (b) the first, second or third condition below is satisfied. (3A)The first condition is that the disclosure of the information to a member of the public otherwise than under this Act — (a) would contravene any of the data protection principles" The six principles within the GDPR and DPA, are principles of 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 in a lawful and fair manner. In considering whether it is 'fair' to individuals to release this information about them, PSNI considered the likely expectations of those individuals. It is unlikely that it would be within the expectations of these individuals that their identification information would be released into the public domain. Individuals would reasonably expect this information to be held by PSNI securely. Therefore disclosure would be in contravention of the first data protection principle as it would be 'unfair' to those individuals to release it and PSNI has removed that information.

A summary of the Harm and Public Interest Test for Section 38 and 31 is provided below.

Harm

The information refers to e-mail addresses and telephone numbers and the release of this information is a sensitive area. Once information is disclosed by FOI there is no control or limits as to who or how the information is shared with other individuals, therefore a release under FOI is considered a release to the world in general, not just to the individual requesting the information.

Releasing these details into the public domain would allow criminals and anyone intent on disrupting police in their law enforcement role, to bombard the system with e-mails/calls therefore both directly and indirectly impacting on the prevention and detection of crime. Disclosure of information relating to test venues used by PSNI could impact on the safety of PSNI personnel and members of the public and prove valuable intelligence for terrorist groups.

Public Interest Test

Factors Favouring Release – Section 31

Release of this information could give the public better access to Police departments and provide a clearer understanding of the organisational structure.

Factors Favouring Retention – Section 31

Disclosure of e-mail addresses could compromise the PSNI's law enforcement abilities by risking the bombardment of the addresses with e-mails. This would mean that police officers and staff may be tasked with answering emails which could be better dealt with by other departments and release of an e-mail address could increase the risk of cyber-attack which would hinder legitimate e-mails. This could potentially lead to more crime being committed and individuals being placed at risk by important information not getting through to the correct departments.

Factors Favouring Release - Section 38

Disclosure of this information would promote openness and transparency.

Factors Favouring Retention - Section 38

Releasing venue locations could place officers and members of the public at risk, leaving them vulnerable to attack by criminals or terrorists. 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.

Decision

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.

While there may be a public interest in releasing the information requested, the PSNI must ensure that its law enforcement capability is not adversely affected by the release of e-mail addresses. There may be a public interest in having the capability to have direct access to police departments; however the PSNI will not release details that may hinder the detection or prevention of crime through the release of information which may be of assistance to criminals and direct e-mail addresses have the potential to be inappropriately used or maliciously attacked.

The release of test location details into the public domain has the potential to assist terrorists and those criminal elements seeking to carry out attacks against persons who are employed by PSNI. The lives and safety of police personnel and members of the public are of paramount importance and the PSNI will not divulge any information which could put any individual at risk. Taking all these factors into consideration, I am satisfied that the exemptions outlined above are applicable to this request and should not be disclosed.

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.psnipolice.uk

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