



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2018-02893

**Keyword:** Organisational Information/Governance

**Subject:** FOI Backlog

### Request and Answer:

Your requests for information have now been considered. In respect of Section 1(1) (a) of the Freedom of Information Act 2000 (FOIA) PSNI can confirm that it does hold some of the information you have requested. Where we do not we have set this out for you. Of that information held we are providing this to you subject to minor redactions of personal information which can identify staff. PSNI have set out our reasons for this below with reference to the FOIA.

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.

You made the following requests to PSNI:

### Request 1

For minutes of all meetings in which the Freedom of Information backlog has been addressed within.

### Answer

You have asked for minutes of all meetings in which Freedom of Information backlogs have been addressed within. PSNI have taken this to mean meetings which have considered and directed action with regard to the backlog as opposed to, have provided an update. The methods by which the Corporate Information Branch have recorded its actions and decision making in order to address the backlog includes on its case-management system, weekly and monthly casework progression reports, development of an action plan to address the backlog, one to one actions with individual members of staff, emails to and from staff from branch managers and Head of Branch, internal correspondence within PSNI as well as management information reports generated on all requests. PSNI therefore does not hold 'minutes' as it has not captured the detail of its actions addressing the backlog in this format.

### Request 2

For copy of your risk register and actions.

### Request 3

For copies of emails between yourselves and ICO specific to the freedom of information backlog.

## Answer

In relation to Request 2 & 3, we are providing you with a copy of PSNI's Risk Register entry relevant to the management of FOI request backlog. We are also providing a copy of those emails sent and received from the Information Commissioner's Office specific to the Freedom of Information backlog. Please see documents attached separately to this correspondence.

Our Risk Register is a live document on our Operations Support Departmental Risk Register. Whilst the updates to the actions and key controls will change the key controls and additional actions themselves remain. Since your request was received PSNI has also submitted a detailed action plan and update to the Information Commissioner's Office for their views on our actions and measures being put in place.

For the Risk Register entry and those emails held relevant to your request, we have removed the personal information which can identify PSNI staff below our Senior Executive team level. This is because those staff would not have an expectation their names would be made public owing to the threat level in Northern Ireland against PSNI Officers and Staff. We have however consulted under section 45 of the FOI with the Information Commissioner's Office and they have no objections to the identities of their staff being provided.

In regard to those minor redactions involving PSNI personnel, PSNI have relied on the exemption at section 40 (2) by virtue of section 40 (3A) of the FOIA. This exemption is an absolute exemption which means there is no requirement on the PSNI to consider whether there is a public interest in disclosure. We consider the information which identifies our staff is personal information under Article 4 of the General Data Protection Regulation (Article 4). PSNI then considered whether release of the information would breach the data protection principles set out in the Data Protection legislation.

There are six data protection principles in the GDPR which 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 in a lawful and fair manner'. 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. Those staff members would not have any reasonable expectation PSNI would disclose their personal information. As we have set out above the threat level in Northern Ireland against PSNI officers and staff remains at SEVERE. We consider it would be unfair to those individuals and a breach of the first principle of data protection legislation. This information is therefore exempt under section 40 (2) of the FOIA.

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)

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.