



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2021-00296

**Keyword:** Human Resources

**Subject:** Stonewall Diversity

### 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. We further consider the information you seek in request number 1, 2 and 3 is exempt by virtue of section 38 and 40 of 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

Please provide any information that you hold answering to any of the following descriptions: Any application you made in 2019 or 2020 to be a "Stonewall Diversity Champion" or to be included on Stonewall's "Workplace Equality Index," including any attachments or appendices to those applications. Please redact personal details if necessary?

### Request 2

Any feedback you received in 2019 or 2020 from Stonewall in relation to either application or programme?

### Request 3

Any other communication you have received from Stonewall in 2019 or 2020 unless privileged or otherwise exempt from disclosure (but if you claim privilege or exemption in relation to any material, please say in broad terms what the material is and the basis on which you claim to be entitled to withhold it)

### Answer To Request 1, 2 and 3

PSNI is providing redacted copies of documents relevant to Requests 1-3 and the rationale for this is specified under.

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 – Health and Safety** - Information is exempt information if its disclosure under this Act would, or would be likely to (a) endanger the physical or mental health or any individual, or (b) endanger the safety of any individual

**Section 40(2)(a)(b) by virtue of Section 40(3)(A)(a) – 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 (2) of the FOIA is an absolute exemption which means there is no requirement on 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 constitutes 'personal data' under the GDPR (Article 4) and DPA (Part 1 s.3).

Under the Freedom of Information Act, PSNI must consider if information can be released into the public domain. I 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). As this information is 'personal data', PSNI considered whether disclosure would contravene any of the six data protection principles contained within the GDPR or DPA.

The six data protection principles 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. Individuals must have confidence that their information is treated sensitively and appropriately by PSNI. We consider those individuals would not have any reasonable expectation PSNI would disclose such information of this nature about them. We consider it would be extremely unfair to those individuals and therefore a breach of the first principle of data protection legislation. This information is therefore exempt under section 40 (2) of the FOIA as it contravenes data protection legislation to release it and PSNI has made the decision to withhold that information.

Section 38 is a qualified prejudiced based exemption and evidence of harm and a public interest test must be conducted.

### **Harm - Section 38**

Release of information under FOI is considered a release to the world in general, not just to the individual requesting the information. Some of the documents provide names of suppliers to the PSNI. Placing this information into the public domain would likely place the business and employees at risk of attack by those seeking to deprive PSNI of essential services or supplies. The threat in Northern Ireland remains SEVERE and particularly to the Police Service.

### **Public Interest Test**

#### Factors Favouring Release - Section 38

Releasing the information would promote openness and transparency. There is always a strong public interest in information that relates to the use of public funds and the procurement of services and suppliers.

#### Factors Favouring Retention - Section 38

Releasing the name of any PSNI supplier into the public domain may assist groups or criminal elements to carry out attacks on these businesses or members of staff. As the threat level in Northern Ireland is rated as 'severe' and criminal groups consider those associated with PSNI as viable targets. In the past such attacks have been known to be indiscriminate in nature, therefore endangering members of the general public in addition to their intended target.

The PSNI will not disclose any information which may increase the risk of harm to any individual providing a service to the PSNI. To highlight any supplier names could endanger their employees. The PSNI should not place in the public domain information regarding protection levels for Body Armour as to do so will undermine the safety of officers and staff who wear body armour.

### **Decision**

The Health and Safety of suppliers to the PSNI is of vital importance to the PSNI in its primary role of keeping people safe and consequently if 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.

Whilst accountability surrounding the use of public funds is always a strong argument in favour of releasing information, the balance will always favour retention where there is a significant risk to the safety of individuals.

At this time, the Service is under SEVERE threat and to release the name of suppliers providing a service to the PSNI could assist groups and criminal elements in targeting their business. The safety of individuals is of paramount importance and the PSNI will not divulge any information which could put lives or property at risk.

In this case, therefore the decision must favour not releasing the name of any supplier.

### Documents supplied:

As advised above PSNI is providing redacted documents that it holds relevant to Requests 1, 2 and 3. For your convenience these are listed under:

PSNI Workplace Equality Index 2020 Feedback  
PSNI Workplace Equality Index 2019 Feedback Report  
Workplace Equality Index 2019 Survey Report Northern Ireland  
Workplace Equality Index Survey Report Top 100  
Stonewall Workplace Equality Index 2020 – Employee Feedback Survey  
E mail detailing communication with Stonewall re 2019 PSNI Stonewall submission dated 10<sup>th</sup> Jan 2019

### **Request 4**

Full details of any equality impact assessment you carried out connected with any of these applications (including any equality impact assessment carried out prior to an earlier application of the same kind, if no further assessment was done)?

### **Answer**

No equality impact assessment was carried out by PSNI.

### **Request 5**

Details of the total amount of money you paid to Stonewall (i) in 2019; (ii) in 2020, whether or not as payment for goods or services?

### **Answer**

2019:

£3,000 Stonewall Subscription.

£350 Reimbursement of expense made on behalf of National Online Hate Crime Portfolio for advisory group meeting attendance.

2020:

£3,000 Stonewall Subscription.

£525 Reimbursement of expense made on behalf of National Online Hate Crime Portfolio for advisory group meeting attendance.

### **Request 6**

Whether you intend to continue your membership of any Stonewall scheme in the future, and if so which?

### **Answer**

Section 8(1)(c) of FOI Act specifies that a requester must “describe the information requested”, with regard to any information held by a public body. Your request is asking for an opinion to be expressed as to future intention and thus does not meet the requirements of Section 8.

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 Corporate Information Branch, 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 Corporate Information Branch, 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.