



FREEDOM OF INFORMATION REQUEST



Request Number: F-2021-00638

Keyword: Organisational Information/Governance

Subject: Personal Data

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act we 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 complaint records you seek in Request 3 are exempt by virtue of Section 40 of the 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

Can I have your records pertaining to sales of personal data from 2019 (01.01.2019) to 2020 (31.12.2020), including trading partners and money earned from transactions?

Answer

Enquiries made in relation to your request failed to locate any relevant records or documents based on the information you have provided. No personal data is sold by PSNI. Accordingly, I have determined that the Police Service of Northern Ireland does not hold the information to which you seek access.

Request 2

Do you use tracking cookies on your website and can I have a list of third parties that you share personal data with?

Answer

PSNI do have third party cookies including Twitter and Google which is used for the site.

PSNI website does not share any personal data with third parties.

Request 3

Have you received any complaints about how you handle personal data? This includes collecting, storing, sharing or selling, as well as wider processing practices. Please can I view records pertaining to these complaints for the years 2019 and 2020?

Answer

Yes, please see Data Protection complaints received below:

In the period 06.06.19 – 11.11.19 there have been 7 complaints received.
In the period 16.11.19 – 11.12. 20 there have been 24 complaints received.

Please note: The reporting periods are not equal quarters as they are timed to coincide with the meeting schedule for audit committee.

In the year 2019 PSNI has received 7 Subject Access complaints.

In the year 2020 PSNI has received 15 Subject Access complaints.

As previously mentioned records pertaining to complaints are withheld subject to Section 40 of the FOIA and the following explanation is provided.

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 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 and further guidance on how they operate can be located on the Information Commissioners Office website www.ico.org.uk.

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 in relation to witness statements etc 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 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. The records of these complaints contain personal, sensitive and third party data. 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 the PSNI has made the decision to withhold that information.

Request 4

How many Subject access requests did you receive in the period 2019-2020, broken down by year? What types of personal data did they typically receive? For example email addresses, home address and telephone number?

Answer

In the year 2019 PSNI has received 1,703 Subject Access Requests.

In the year 2020 PSNI has received 1,158 Subject Access Requests.

There are numerous types of information requested under Subject Access, including Personal Records (Police Personnel), Medical History (Police Personnel), Email Correspondence, Written Communications, Criminal Records, Witness Statements etc. This information relates to the applicants own personal information and is subject to relevant exemptions, for example third party information contained within documents.

Request 5

How many data breaches have you experienced for the past 5 years (broken down by each year).

Answer

Please see below table.

2016	156
2017	144
2018	195
2019	239
2020	194

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.

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

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