



FREEDOM OF INFORMATION REQUEST



Request Number: F-2020-01233

Keyword: Human Resources

Subject: Male and Female representation

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 numbers 1, 3, 4, 5 and 6 are exempt by virtue of sections 31, 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

Would it be possible for the PSNI to provide a breakdown of male-female representation at each of its stations across NI?

Request 2

To then show the totals in each district area?

Request 3

Can the same be done for Catholic/Protestant officers at each station/district?

Request 4

And Black Asian and Minority Ethnic officers in the service at each station/district?

Request 5

Can you outline how many Catholic, female or minority ethnic individuals are in leadership roles, superintendent or above at each station/district?

Request 6

Or if this is going to exceed the cost limit can this be done for Derry City and Strabane stations/district alone?

Answer

Please see attached Excel spreadsheet titled 'Staff breakdown'

Information has been provided for all officers who are attached to a District as at 01/07/2020. Information has not been provided at station level which could identify personal, sensitivity data for

individuals and the rationale for exemption of this type of information is explained below.

Answer

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 31 (1) – Law Enforcement (a) the prevention or detection of crime (b) the apprehension or prosecution of offenders

Section 38 (1)(b) – Health & Safety – Information is exempt information if its disclosure under this Act would, or would be likely to (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 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 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, police personnel, forensics staff etc and this information constitutes their '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 'fairly and lawfully'. 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.

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

Harm

PSNI consider information in relation to staffing levels crucial to its methodologies and policing

operations in the fight against criminal activity and terrorism. Release of information under FOI is considered a release to the world in general, not just to the individual requesting the information.

Disclosing details of numbers of officers attached to each station could identify personnel and there would be a security issue if numbers of officers at each station was to be made public. Disclosure could advantage criminals/terrorists, assisting them to establish information and aid them in subverting police, or launching attacks, thus hindering the detection of crime and the apprehension or prosecution of offenders. It is further confirmed by the current threat level in Northern Ireland which is currently SEVERE. PSNI is aware of the mosaic and precedent effects of releasing information which may be of use to terrorists. A clear link exists between knowledge available to criminals and the way they operate, with the resultant impact on PSNI potentially giving a tactical advantage to criminals.

Public Interest Test

Factors Favouring Release - Section 31

Releasing the information would provide a clearer picture of how many police officers are employed by the PSNI at each station.

Factors Favouring Retention - Section 31

Disclosing information could leave officers vulnerable to attack by those criminal elements seeking to subvert police, compromising law enforcement tactics and hindering the prevention and detection of crime and apprehension or prosecution of offenders, impacting on police resources.

Factors Favouring Release - Section 38

Disclosure of information would promote openness and transparency.

Factors Favouring Retention - Section 38

Releasing information could place officers at risk, leaving them vulnerable to attack by criminals or terrorists.

Decision

Once information is disclosed under 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.

Release of information has the potential to advantage terrorists and compromise the law enforcement role of police. Whilst the PSNI would always wish to be transparent and accountable, there is a very strong interest in protecting police officers and safeguarding police methodology. The Police Service is currently under severe threat from terrorists and any information in relation to numbers of officers in police stations could impact on the safety of officers.

As the current threat level in Northern Ireland remains at SEVERE, it is vital that the disclosure of information held by PSNI does not endanger the safety of officers or impact on the effective delivery of operational law enforcement activity.

It is acknowledged that wherever possible policing must be transparent and accountable. However, police need to make balanced judgements which justify why some information needs to remain exempt and unpublished. I have therefore determined that the release of this information into the public domain would not be in the public interest.

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.psnipolice.uk

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