



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2021-01261

**Keyword:** Human Resources

**Subject:** LGBT Community

### 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 information to which your request relates and this is partially being provided to you in Requests 5 and 5 including exemptions applied under Section 40 of the Act. We further consider the information you seek in request number 3 and 4 is fully exempt by virtue of Section 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.

Telephone clarification with you advised that you are only asking the figure for Organised Crime Unit within C1.

**Please note** in relation to requests 1 and 2, figures are based on officers selecting one of the following sexual orientation categories;

- Straight/Heterosexual.
- Gay/Lesbian/Bi-sexual.
- Prefer not to say.

(In addition there are also blank records for those who have chosen not to answer therefore these are undeclared).

Please also note, for information purposes, 2.8% of all police officers within the organisation have identified themselves as being from the LGBT community.

### Request 1

How many D/Constable in C1 Organised Crime Branch have identified themselves as being part of the LGBT+ community?

### Answer

One D/Constable in C1 Organised Crime Branch have identified themselves as being part of the LGBT+ community.

### Request 2

How many D/Sergeants in C1 Organised Crime Branch have identified themselves as being part of the LGBT+ community?

## **Answer**

One D/Sergeant in C1 Organised Crime Branch have identified themselves as being part of the LGBT+ community.

## **Request 3**

How many D/Inspectors in C1 Organised Crime Branch have identified themselves as being part of the LGBT+ community?

## **Request 4**

How many D/Chief Inspectors / Supers / Chiefs Supers in C1 Organised Crime Branch have identified themselves as being part of the LGBT+ community?

## **Answer 3 & 4**

PSNI consider that the specific information you seek in Requests 3 and 4 are low level data that could lead to the identification of an individual within this business area and for this reason we are exempting the information and have articulated our rationale below.

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 when deciding where the public interest lies, 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](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 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 names, and therefore this information constitutes information which can identify individuals is '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. 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). 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 the individual and the nature of the information involved including police officers must have confidence that their information is treated sensitively and appropriately by PSNI. We consider that any individual would not have any reasonable expectation that PSNI would disclose such information of this nature about them. We consider it would be extremely unfair to this individual

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 5**

How many D/Constables in C1 Organised Crime Branch are considered to meet the criteria for having a Disability under the DDA legislation?

**Answer**

Please note, for equality monitoring purposes, police officers self-declare if they have a disability which falls under DDA legislation.

Four D/Constables in C1 Organised Crime Branch are considered to meet the criteria for having a Disability under the DDA legislation.

**Request 6**

How many D/Sergeants in C1 Organised Crime Branch are considered to meet the criteria for having a Disability under the DDA legislation?

**Answer**

Three D/Sergeants in C1 Organised Crime Branch are considered to meet the criteria for having a Disability under the DDA legislation.

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.