

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2021-02193

Keyword: Human Resources

Subject: Inspector Promotion Board Assessor Training

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 for Request Numbers 1-3 and 5-9. In relation to Request Number 4 and 5 the Police Service of Northern Ireland is providing an NCND response and will explain this further in the response below. 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.

Inspectors Promotion Boards.

Request 1

Is the training provided to assessors accredited?

Answer

No.

Request 2

Are the assessors trained by an outside organisation or internally?

Answer

Assessors are trained by an external organisation.

Request 3

Is the assessor training recognised and recorded against the officer's training record within the PSNI?

Answer

The Freedom of Information Act requires PSNI to provide a response to a request for 'recorded' information which is held (s.1 FOIA). A question will not necessarily constitute a 'valid request'. Further information on what constitutes a valid request can be found on the Information Commissioner's Office website:

<https://ico.org.uk/media/for-organisations/documents/1164/recognising-a-request-made-under-the-foia.pdf>

The FOI Act therefore does not require PSNI to speculate or provide a response to questions which are not seeking recorded information. In this case PSNI does not record assessor training against an officer's training record.

Request 4

Were my panellists all trained? (Persons named)

Request 5

When was this training provided?

Answers 4 and 5

In accordance with the Act, this represents a Refusal Notice for these particular requests, Request 4 and 5. The Police Service of Northern Ireland can neither confirm nor deny that it holds the information you have requested.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in the request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held.

Where exemptions are relied upon Section 17(1) of FOIA requires that we provide the applicant with a notice which

- a) states that fact,
- b) specifies the exemption(s) in question and
- c) states (if that would not otherwise be apparent) why the exemption applies.

The Police Service of Northern Ireland (PSNI) can Neither Confirm Nor Deny that it holds the information relevant to your request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemption:

Section 40(5B)(a)(i) - Personal Information - the duty to confirm or deny does not arise if to do so would contravene any of the data protection principles. This is an absolute exemption; therefore it is not necessary to carry out a public interest test.

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.

'Neither Confirm nor Deny' (NCND)

There may be occasions when complying with the duty to confirm or deny under section 1(1) (a) would in itself disclose sensitive or potentially damaging information that falls under an exemption. In these circumstances, the FOIA allows a public authority to respond by refusing to confirm or deny whether it holds the requested information.

The decision to issue a 'neither confirm nor deny' response is not affected by whether we do or do not hold the information but relates to the consequences of confirming or denying the information is held. The starting point and main focus in most cases will be theoretical considerations about the consequences of confirming or denying that a particular type of information is held. The decision to neither confirm nor deny is separate from a decision not to disclose information and needs to be taken entirely on its own merits.

PSNI follow the Information Commissioner's Guidance in relation to 'NCND' and you may find it helpful to refer to this at the following link:

<https://ico.org.uk/media/for->

40(5B) (a) (i) - Personal Information

(5B) The duty to confirm or deny does not arise in relation to other information if or to the extent that any of the following applies -

(a) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a)

(i) would (apart from this Act) contravene any of the data protection principles

The release of information under FOIA is a release into the public domain and not just to the individual requesting the information. Once information is disclosed under this legislation there is no control or limits as to who or how the information is shared with other individuals, therefore a release under FOIA is considered a disclosure to the world in general.

To confirm or deny that the PSNI hold or do not hold information would in fact confirm information about individuals including the fact such information may or may not be held. Confirming or denying information of the nature you have requested is held or not would be highly unfair to any individuals and would contravene the first data protection principle which states that personal information should be processed in a lawful and fair manner (s. 35 DPA 2018). Such individuals if the information was held or not would have no expectation that details as this would be released into the public domain, therefore PSNI's data protection obligations to those individuals would be contravened.

However, this should not be taken as conclusive evidence that the information you requested exists or does not exist.

Request 6

How long does it take to deliver assessor training and be deemed qualified an assessor?

Answer

The assessor training is delivered in half a day.

Request 7

Is the training over a number of modules or one course?

Answer

The training consists of one course.

Request 8

Is there a knowledge check or exam upon completion of training?

Answer

There is no knowledge check or exam upon completion of training.

Request 9

Does this training have to be received?

Answer

Yes.

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 remain dissatisfied with the handling of your request, you may make a complaint to the Information Commissioner's Office, under Section 50 of the Freedom of Information Act, 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', or use the ICO self-service portal available at www.ico.org.uk/make-a-complaint/officialinformation-concerns-report/official-information-concern/

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 their 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.