

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2021-00008

Keyword: Complaints/Discipline

Subject: Register of Interest and Income

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 information to which your request relates and the decision has been taken to disclose the following.

Request 1

I would like to make a Freedom of Information request. The request is in relation to officers sources of income outside of their police salary. Are serving police officers who earn money from whatever source outside of their salary (including monies from rental property owned or co-owned by them) required to declare such income and interests to the PSNI - "a register of interests/income".

Answer

Guidance in relation to the register of interests is contained within sections 4-11 of the PSNI Service Instructions 26/17 'Off Duty Standards' and can be accessed via the following link:

<https://www.psnipolice.uk/globalassets/advice--information/our-publications/policies-and-service-procedures/off-duty-standards-280818.pdf>

Request 2

If such a "register of interests/income" is in place what actions does the PSNI take to ensure that serving officers declare such additional incomes from outside sources and pay all appropriate taxes?

Answer

Action that may be taken by PSNI to ensure compliance with registration of interests is contained within the Service Instruction referred to in the response to Request 1.

Request 3

If no such "register of interests/income" exists please provide a rationale for this decision and whether the ruling of 2019 case involving Superintendent Murray has been considered in developing this rationale.

Request 4

Does the PSNI consider evasion of taxes to be acceptable behaviour by serving officers?

Request 5

If the PSNI does not consider evasion of taxes by serving officers to be unacceptable please provide

the rationale for this policy position.

Request 6

If the PSNI does consider tax evasion by serving officers as unacceptable please provide details of what actions are taken and what policies are in place to ensure that officers pay all appropriate taxes.

Request 7

If it becomes known that an officer has evaded tax, is not subject to a criminal prosecution, but has admitted the evasion and pays back taxes owed along with any financial penalty, will they be subject to PSNI disciplinary procedures?

Request 8

If the answer to question 7 is in the negative please provide a rationale/written guidance that relates to this decision.

Answer

In response to Request 3 – 8, I can advise you that the Freedom of Information Act 2000 legislates for the rights of an individual to seek access to *recorded information*. The Act only extends to requests for *recorded information* as defined by Section 84 of the Act and does not require public authorities to answer questions or create information to answer an FOI request.

A question will not necessarily constitute a 'valid request' if it is seeking a 'yes' or 'no' response unless it is already held in recorded information, if it is asking PSNI to speculate or asking to provide information which is not recorded.

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>

Request 3 – 8 are not considered valid requests under the FOI Act, as PSNI do not hold recorded information on the speculative elements of these questions.

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.