

Keeping People Safe



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2021-00663

**Keyword:** Complaints/Discipline

**Subject:** Sexual Misconduct Police Officers And Staff

### 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 part of the information you seek in request number 1 is 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.

### Request 1

Please could you provide any information that you hold on the following questions in relation to the years 2018, 2019, 2020 and so far in 2021:

Including both civil staff and police officers, both uniformed and plain clothed, including those now retired or no longer employed and also those currently suspended, how many members of the force's staff faced misconduct proceedings for sexual misconduct and what was the outcome.

### Answer

PSNI are responding to this request separately for 'civilian staff' and police officers.

In response to your request regarding 'Civilian Staff' 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 not hold information in relation to your requests.

Enquiries made in relation to your request failed to locate any records or documents relevant to your request based on the information you have provided, whilst PSNI Human Resources Department do not conduct misconduct hearings, with regards to staff disciplines there have been no disciplines which specify 'sexual misconduct' for the years 2018, 2019, 2020 and to date in 2021.

Accordingly, we have determined that the Police Service of Northern Ireland does not hold the information to which you seek access.

In response to 'Police Officers', a total number of 5 officers have faced misconduct proceedings for 'sexual misconduct'.

It should be noted that this data does not account for cases where initial investigations may have taken place and the officer was not brought to a misconduct hearing or meeting to face formal

charges, or where matters which have not yet reached these stages.

However due to the information being considered as low level data which could be identifiable we are exempting the outcomes for the following reasons explained 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 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](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 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 images 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 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 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. 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.

## **Request 2**

Including both civil staff and police officers, both uniformed and plain clothed, including those now retired or no longer employed and also those currently suspended, how many members of the force's staff were arrested for sexual offences.

## **Answer**

A total of 13 officers were arrested for sexual offences.

Please note that this data includes officers who were 'serving officers' at the time of any conviction

but may have since retired or left the service.

### **Request 3**

Please provide all recorded prosecutions of serving police officers that have been charged with a sexual offence against a fellow officer.

### **Answer**

No officers have been charged with sexual offences against a fellow officer.

The Police Service expects all officers and staff to behave ethically and with the utmost integrity at all times both on and off duty. Any officer who fails to abide by the high standards of behaviour expected of all officers as laid out in our Code of Ethics can expect to be rigorously investigated. Officers who fall short of this can expect to be subject to internal misconduct proceedings as is normal procedure following the conclusion of criminal proceedings.

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.psnipolice.uk](http://www.psnipolice.uk)

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