

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: FOI-2021-01024

Keyword: Complaints/Discipline

Subject: Complaints of Sexual Misconduct

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 some of this is being provided to you. We consider the information you seek in request numbers 2, 3 and 4 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.

Refinement offered in response to FOI-2021-00737

PSNI can provide the requested information if limited to 'internal matters' only covering a period of 5 years.

Request 1

Please provide us with the number of complaints of sexual misconduct, including sexual harassment, exploitation of crime victims and child abuse made against police officers, special constables and police community support officers in your force each year covering the last 5 years.

N.B. Please break these down into internal conduct matters.

Answer

During the listed time period a total of 39 officers were subject to internal investigation over allegations of sexual misconduct. As requested, this figure has been broken down for each year.

2016/17 – 4 officers

2017/18 – 5 officers

2018/19 – 7 officers

2019/20 – 13 officers

2020/21 – 10 officers

Request 2

How many of the internal conduct matters were upheld each year?

Request 3

How many of the internal conduct matters resulted in sacking or resignation each year?

Answers to Request 2 and 3

A total of 4 officers had internal matters relating to sexual misconduct upheld, during the listed time period. This figure refers to officers who are in receipt of a formal misconduct outcome. This figure does not account for matters which are still ongoing, and may yet result in an allegation being upheld, and a formal sanction being administered.

A total of 2 officers were dismissed for internal sexual misconduct matters.

The PSNI is exempting a breakdown of this data for each individual year. The information requested is considered to be both low level and identifiable and PSNI has made the decision to exempt the information and the rationale is articulated 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/s, 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 and further guidance on how they operate can be located on the Information Commissioners Office website www.ico.org.uk.

Section 40 is a class-based exemption, therefore it is not necessary to evidence the harm caused by disclosure or carry out a public interest test. When PSNI receives a request for information that constitutes the personal data about any individual, it must decide whether disclosure would breach Principle 1 of the Data Protection Act (DPA), i.e. whether it would be fair and lawful to disclose the information. Whether it will be fair will depend on a number of factors including the reasonable expectations of the individuals involved, the balance between any legitimate public interest in disclosure and the rights and freedoms of the individual(s) concerned.

PSNI considered the material you have requested. The information requested relates to individuals who we believe would not have a reasonable expectation that their personal information would be released into the public domain through FOI. We consider release of this information would be unfair to those individuals as it would not be in their reasonable expectation. PSNI therefore consider the exemption at Section 40 (2) to be engaged in relation to the requested information.

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

Request 4

Please provide a description of each internal conduct matter that resulted in sacking or resignation.

Answer

PSNI are exempting this information for the reasons as articulated below.

The information requested is considered to be both low level and identifiable and PSNI has made the decision to exempt the information and the rationale is articulated 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:

- (d) states that fact,
- (e) specifies the exemption in question and
- (f) 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 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

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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.