

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2020-01086

Keyword: Organisational Information/Governance

Subject: Rebranding of the PSNI

Request and Answer:

Your requests for information have now been considered and we apologise for the delay in reverting to you. In respect of Section 1(1) (a) of the Freedom of Information Act 2000 ('FOIA') we can confirm that the Police Service of Northern Ireland does hold some of the information to which your requests relate and some of this is this is being provided to you. PSNI does not hold any information in respect of request number 2 and we are providing you with the information in request number 4, subject to some minor redactions as a result of the application of sections 31, 40 and 42 of FOIA, mainly in relation to details which identify staff/officers and their direct dial contacts. We have detailed our rationale as to why these exemptions apply and have also provided you with links to guidance issued by the Information Commissioner's Office which we have followed in responding to your requests.

Request 1

Over the last week the chief constable has made reference to rebranding the PSNI including the logo and crest. How much has been spent so far on this idea? Full breakdown of costs?

Answer

PSNI considers your request is seeking information on the decision to take forward a rebranding exercise and to decide upon options to take this work forward. Such costs have not been separately budgeted for. They have been met by the existing budget of the Corporate Communications Department, and are cost neutral, meaning all work undertaken to date has been conducted in-house with no additional spend.

Request 2

The projected costs if rebranding were to go ahead i.e. full business case?

Answer

PSNI does not hold any information on projected costs for a full business case at this time. As above, rebranding costs to date are cost neutral. We can advise that there is no allocation of a specific budget at present, the concept stage of this work is cost neutral and completed in house.

Request 3

Who within the PSNI came up with this idea given budget constraints?

Answer

The Chief Constable issued a direction on this matter as a part of PSNI's Horizon 2025 Strategy and Modernisation plan.

Request 4

All internal correspondence relating to the rebranding idea?

Answer

PSNI is providing this information to you subject to minor redactions which you will note throughout the information which relates to personal information of officers and staff who would not have an expectation their personal data would be placed into the public domain under the FOIA. We have set out the exemptions which are engaged in this regard. Much of the information is internal correspondence generated by PSNI's Corporate Communications Department in taking forward this work as a part of the part of PSNI's Horizon 2025 Strategy and Modernisation plans aimed at making PSNI more visible, accessible and community focussed. We have made some minor redactions in terms of personnel who would not have an expectation their personal data would be placed into the public domain. We have also removed detail in relation to legal advice provided by PSNI's lawyers. We consider this information to be exempt and subject to legal advice privilege. The exemptions we relied upon are as follows:

Section 31 (1) (a) the prevention or detection of crime

Section 40 (2)(a)(b) by virtue of Section 40 (3)a(i) – Personal Information – Information constitutes personal data and disclosure would contravene any of the Data Protection principles.

Section 42 (1) – Legal Professional Privilege

The full text of exemptions can be found at www.legislation.gov.uk and further guidance on each individual exemption and how they operate can be located on the Information Commissioners Office website www.ico.org.uk.

Section 31

A minor number of redactions relate to direct dial and contact details of officers and staff which are for internal use throughout PSNI. Public contact telephone and email details are available for the public and made available by PSNI, these include emergency and non-emergency contacts. These are located on the PSNI website and are resourced to respond and direct calls as required. There is harm that providing alternative contact details to the public could compromise PSNI's law enforcement capability and lead to the bombarding of email addresses or telephone lines as well as information not being picked up from the public or misdirected. There is also a risk of increase of cyber-attack. For this reason PSNI considered the exemption to be engaged in relation to protecting law enforcement capability and reviewed the following public interest factors

Factors favouring release

Release of this information could increase transparency in the way PSNI carry out their day-to-day delivery of its activities and provide further detail on PSNI contacts

Factors favouring retention

There is a public interest in managing PSNI resources and ensuring that PSNI's ability to carry out its law enforcement activity is not compromised by providing individual internal contact details which are not resourced to deal with call volumes, engage telephone lines or prevent PSNI from receiving information from the public

Decision

In this case PSNI considers the public interest favours the non-disclosure of individuals direct contact details.

Section 40 (2)

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, PSNI must however consider if information can be released into the public domain. Section 40 is an interface exemption which means we must consider whether release of the information would breach the General Data Protection Regulations ('GDPR'). Within the material requested are details of individuals (including officers and staff and persons outside the organisation that PSNI has engaged with who can be identified from this material). This information is the 'personal data' of those individuals as defined under Data Protection legislation.

PSNI must consider whether disclosure therefore would contravene any of the six data protection principles contained within the GDPR.

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 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 into the public domain. 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

Section 42(1) – Legal Professional Privilege

Section 42 is a class based exemption so it is not necessary to address the harm as a result of the disclosure; however as it is a qualified exemption, so a public interest test is required. In this case PSNI considers the exemption is engaged and has applied this exemption to legal advice provided within the requested material provided by a PSNI lawyer. PSNI then considered the public interest test.

Factors Favouring Release – Section 42 (1)

There is a public interest in increasing transparency around the processes of decision making including advice sought as a part of this process to ensure PSNI is fully accountable for the quality of their decision making process and the release of this information would assist transparency of the process.

Factors Favouring Retention – Section 42 (1)

There is a public interest in allowing public authorities to seek legal advice when they require it to make fully informed and legally compliant decisions. The knowledge that legal advice may be released into the public domain may affect the ability of lawyers to provide such advice. Without such advice a public authority's decision making may be compromised because it will not be fully informed. There is a strong public interest in protecting legal advice provided in order that PSNI can fully develop its position being fully informed of its legal obligations.

Decision

Legal professional privilege is a long established principle which is fundamental to the administration of justice. Legal privilege protects material from disclosure on the ground that the client/organisation is able to speak freely and frankly with his or her legal adviser in order to obtain appropriate legal advice and ensure legal obligations are met. The PSNI considers that the factors favouring withholding the information are stronger than those in favour of disclosing the requested

information in relation to legal advices in this case.

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.psnj.police.uk

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