

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2020-01824

Keyword: Organisational Information/Governance

Subject: Operation Hydrant

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act I can confirm that the Police Service of Northern Ireland does hold the information to which your request relates and this is being provided to you. We further consider that some of the information you seek in request number 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.

Request 1

Can you confirm if the PSNI is subject the protocol which exists for other UK police forces to submit details relating to historic institutional abuse investigations to Operation Hydrant on a monthly basis, in order for that information to be recorded on the national database?

Answer

All UK police forces are requested to provide a monthly summary of cases falling within the Operation Hydrant criteria to Operation Hydrant, and this includes PSNI. This is not part of a formal protocol, but is an undertaking given by UK forces to enable the process of operational coordination and deconfliction to effectively take place. Where the data received is relevant and fits the criteria, it is recorded on the national database by Operation Hydrant.

Request 2

Has the PSNI submitted details of investigations pursuant to referrals received from the Northern Ireland Historic Institutional Abuse Inquiry?

Answer

Yes, PSNI have submitted details of investigations in relation to historical abuse connected to the Historic Institutional Abuse Inquiry (HIA) inquiry.

Request 3

Has the PSNI submitted details of investigations in relation to historical abuse unconnected to the HIA inquiry?

Answer

Yes, PSNI have submitted details of investigations in relation to historical abuse unconnected to the HIA inquiry.

Request 4

Who within the PSNI holds responsibility for the co-ordination and submission of information to Operation Hydrant?

Answer

Within the PSNI's Public Protection Branch (PPB) there is a specialist team 'Historical Child Abuse Team' (HCAT), however the name of the person in PSNI who performs this role is being withheld for the reasons as outlined 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.

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 – Personal Information

Section 40 (2) of the FOIA is an absolute exemption which means there is no requirement on the 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'). There is information within the minutes which can identify individuals including members of staff. This information is 'personal data' under the GDPR (Article 4) and DPA (Part 1 s.3).

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. Those officers 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.

Request 5

Have the NI Policing Board been appraised of PSNI interaction with Operation Hydrant?

Answer

Yes. As part of monitoring of the Policing Plan, the Board has been informed of PSNI engagement with the Operation Hydrant team, but has not been briefed on the operational detail.

Request 6

If the PSNI are not subject to the protocol with Operation Hydrant, can you indicate where and when the decision to exempt the PSNI from obligations placed on other forces regarding formal co-ordination with Operation Hydrant was taken?

Answer

This has been provided in the response to Request Number 1 above.

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.psni.police.uk

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