

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2020-02077

Keyword: Human Resources

Subject: Number Of Police Officers Absent Psychological Reasons 2015-2020

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 information to which your request relates and this is being provided to you. We further consider that some information you seek in request numbers 1, 2, 3, and 4 is exempt by virtue of section 24, 31 and 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 provide the number of Police Officers who have been absent for more than 28 days consecutively due to psychological reasons such as stress, depression etc within C1, Organised crime department per financial year from 2015 to 2020.

Could the response be broken down into financial years and also for comparison purposes could it show the total number of officers within the department in the same financial year?

Request 2

As above but in relation to C2, Serious Crime department?

Request 3

As above but in relation to C3, Intelligence branch?

Request 4

As above but in relation to C7/Public Protection branch?

Answers

PSNI are withholding the total breakdown of yearly absences in each individual branch requested and in addition the total number of officers for each individual branch in each of the financial years requested and the rationale for this is articulated below.

However to assist PSNI have provided in the table below consolidated figures of Police Officers absent for more than 28 days due to psychological reasons broken down by the combined number of all 4 branches requested for each of the financial year's requested:

Financial Year	No Absent for more than 28 days due to psychological reasons (*see note under)
2015/2016	79
2016/2017	76
2017/2018	119
2018/2019	128
2019/2020	116

● Please note figures are provided as of 31st March on each of the financial years.

● Please note the following are included under the term “psychological reasons” – PTSD, Other stress, anxiety, depression, drug or alcohol problems, dementia, other mental disorders, psychotic episode, grief/bereavement/adjustment reaction, chronic fatigue syndrome/post viral fatigue, eating disorder, bipolar (manic depression) disorder, obsessive compulsive disorder (OCD)

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 exemptions, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 24 (1) National Security – Information which does not fall within section 23(1) is exempt information if exemption from section 1(1)(b) is required for the purpose of safeguarding national security.

Section 31(1)(a)(b) – Law Enforcement: Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would , or would be likely to prejudice:
(a) the prevention or detection of crime (b) the apprehension or prosecution of offenders

Section 40(2)(a)(b) by virtue of 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 (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’) Third party personal information which constitutes information which can identify individuals is ‘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. We 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 the PSNI has made the decision to withhold that information.

Section 24 and 31 are prejudice based qualified exemptions which means that the legislators have identified that the harm (prejudice) in disclosure as well as the public interest considerations need to be evidenced and articulated to you the applicant.

Harm

Release of the figures as requested could show the rise or fall in the strength of individual branches over the time period requested. Identifying individual branch strengths and weaknesses in resourcing could help educate criminality of any potential weaknesses in PSNI policing areas and capabilities. The PSNI branches that you have requested this information on are involved in the investigation of serious crime including terrorism thus identifying strengths and weakness in specific branches may impact on policing capabilities in safeguarding the public from serious crime and terrorism.

Public Interest Test

Factors Favouring Release – Section 24

The threat from national and international terrorism is ever present and the public are entitled to know how the police operate and it would provide transparency and assurance that national security is carried out effectively. In the current financial climate of budget cuts disclosure would enable improved public debate as the public are entitled to know how public funds are spent and disclosure would lead to a better informed public of police capability in these branches.

Factors Favouring Retention – Section 24

PSNI faces many challenges in the protection of national security against terrorism and organised crime and security measures would be rendered less effective and the risk of harm to the public would be increased. Release of the information around the strengths of the branches requested could show strengths and weaknesses within PSNI policing capability and therefore could be of use to terrorists and criminals alike. Release could consequently weaken policing capabilities and ultimately has the real potential to adversely impact upon national security. This cannot be deemed as being in the public interest

Factors Favouring Release Section 31

The public will have an interest in the capability of the PSNI in its ability to prevent and detect crime and apprehend offenders, through outlining police officer strength in these various branches

Factors Favouring Retention Section 31

Release of the information in the manner in which you request could assist those intent on serious crime including those intend on terrorism in assessing the strengths and weakness of the PSNI in specific areas. The public would not expect the PSNI to divulge information that may assist such individuals and groups.

Decision

Whilst there is a public interest in the transparency of policing activities, the delivery of effective law enforcement is of paramount importance and PSNI will not put into the public domain information that could assist persons who are intent on serious crime in assessing PSNI human resource strengths and weakness in individual branches that are primarily involved in the investigation of serious crime and terrorism.

Release of this information has the potential to advantage criminals and terrorists and compromise the law enforcement role of police, hindering the prevention or detection of crime.

As the current threat level in Northern Ireland remains at 'Severe', it is vital that the disclosure of information held by PSNI, does not impact on the effective delivery of operational law enforcement activity today and in the future. Therefore placing some of the information requested into the public domain could adversely impact and undermine national security and compromise law enforcement activity would not be in the public interest. The security of the country and keeping people "safe" is of paramount importance and the PSNI will not divulge such information.

It is acknowledged that wherever possible policing must be transparent and accountable, however, police need to make balanced judgements which justify why some information needs to remain exempt and unpublished.

The release of information under FOI is 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 how the information is shared with other individuals therefore a disclosure under FOI is considered a release to the world in general.

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.

