

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: FOI-2020-02166

Keyword: Human Resources

Subject: Training & Investigative Actions

Request and Answer:

In relation to these requests, the Police Service of Northern Ireland ('PSNI') is providing a Neither Confirm nor Deny (NCND) response. This means we can neither confirm nor deny that we hold the information you have requested. We will explain how those exemptions we are relying upon operate in our response below.

Request 1

What date did named person investigating officer in this case join PSNI?

Request 2

How many complaints against police have been received against named person?

Request 3

How many of those complaints received have been for failure to investigate?

Request 4

How many of those complaints received has been for incivility?

Request 5

How many complaints against police have been received against named person (the supervising officer in this case)?

Request 6

How many complaints have been received against named person for failure how many complaints have been received against named person for failure In Duty?

Request 7

Has either named person or named person ever being investigated for misconduct in public office?

Request 8

Has either named person or named person ever been investigated for perverting the course of justice?

Request 9

Has either named person or named person been investigated or are subject to an investigation for a breach of the code of ethics?

Request 10

On what date did named person take up her temporary role within the specialist named location?

Request 11

Upon taking up her temporary role within the specialist unit did named person retain all her case files for continued investigation?

Request 12

How many case files was named person investigating at the time of 1: my assault 2: When she relocated to the specialist unit?

Request 13

Did named person retain investigation of the case file pertaining to me when she relocated to the specialist unit?

Request 14

What investigative actions did named person carry out personally on my investigation post her relocation to the specialist unit, what investigative actions did named person allocate to another officer within my case file?

Request 15

What investigative actions were allocated by named person in relation to my case file, what were the dates those investigative actions were allocated and what date were the actions completed?

Request 16

What training has named person received in relation to domestic violence And if training has been received what is the date of the training?

Request 17

What training has named person received in relation to the victims charter and if training has been received what is the date of the training?

Request 18

What training has named person received in relation to use of body worn cameras and if training has been received what is the last most current day of training?

Request 19

What training has named person received in relation to dealing with child victims?

Request 20

What investigative training has named person received during her police in career?

Request 21

How many domestic assaults has the officer named person investigated During her service in PSNI?

Request 22

How many of those domestic assaults that the officer has investigated involved a counter allegation from both parties involved?

Request 23

How many of those domestic assaults that the officer investigated proceeded to the PPS?

Request 24

In how many of those domestic assaults which involved a counter allegation did the officer named person recommend only one of the parties for prosecution

Request 25

In how many of those domestic assaults investigated and recorded involving a male and a female relationship has named person recommended only the female victim for prosecution of assault?

Request 26

How many of those domestic assault that the officer investigated proceeded to PPS with a police recommendation for prosecution?

Answers

In accordance with the Act, this letter represents a Refusal Notice for this particular request. The Police Service of Northern Ireland can neither confirm nor deny that it holds the information you have requested.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in the request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held.

Where exemptions are relied upon Section 17(1) of FOIA requires that we provide the applicant with a notice which

- a) states that fact,
- b) specifies the exemption(s) in question and
- c) states (if that would not otherwise be apparent) why the exemption applies.

The Police Service of Northern Ireland (PSNI) can Neither Confirm Nor Deny that it holds the information relevant to your request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemption:

Section 40(5B)(a)(i) - Personal Information - the duty to confirm or deny does not arise if to do so would contravene any of the data protection principles.

The full text of exemption 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.

'Neither Confirm nor Deny' (NCND)

There may be occasions when complying with the duty to confirm or deny under section 1(1) (a) would in itself disclose sensitive or potentially damaging information that falls under an exemption. In these circumstances, the Act allows a public authority to respond by refusing to confirm or deny whether it holds the requested information.

The decision to issue a 'neither confirm nor deny' response is not affected by whether we do or do not hold the information but relates to the consequences of confirming or denying the information is held. The starting point and main focus in most cases will be theoretical considerations about the consequences of confirming or denying that a particular type of information is held. The decision to neither confirm nor deny is separate from a decision not to disclose information and needs to be taken entirely on its own merits.

PSNI follow the Information Commissioner's Guidance in relation to 'NCND' and you may find it helpful to refer to this at the following link:

https://ico.org.uk/media/for-organisations/documents/1166/when_to_refuse_to_confirm_or_deny_section_1_foia.pdf

Section 40 (5B) (a) (i) is an absolute exemption; therefore it is not necessary to carry out a public interest test.

S 40(5B)(a)(i) - Personal Information

Information disclosed under the FOIA is disclosed into the public domain, effectively to the world and not just to one individual. To confirm or deny whether personal information exists in response to your request could publicly reveal information about an individual, thereby breaching the right to

protection of their personal information afforded to them under the Data Protection Act 2018. When confirming or denying that information is held would breach an individual's rights under the Data Protection Act legislation, Section 40 (5) becomes an absolute exemption, and there is no requirement to provide evidence of a prejudice occurring, or to conduct a public interest test. To confirm or deny that the PSNI hold or do not hold information would in fact confirm information about an individual including the fact it may or may not be held. This would amount to a release into the public domain of personal information about an individual who may or may not be employed by PSNI. The individual would have no expectation that these details would be released into the public domain, therefore their data protection rights would be breached by release.

PSNI considers the information you have requested is exempt by virtue of Neither confirm nor deny exemptions which PSNI is entitled to rely upon.

The release of information under Freedom of Information (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 who or how the information is shared with other individuals, therefore a release under FOI is considered a disclosure to the world in general.

However, this should not be taken as conclusive evidence that the information you requested exists or does not exist.

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 Freedom of Information Team, 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 Freedom of Information, 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.