

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2020-02185

Keyword: Organisational Information/Governance

Subject: Intranet Page

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 some information to which your request relates and this is being provided to you pursuant to Section 31 & 40 of the FOIA. We have detailed our rationale as to why these exemptions apply. 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

Please could you supply me with a print-out/copy of the front page of your internal intranet (redacting any sensitive information of course).

Answer

Please see Intranet page attached separately to this correspondence. As previously mentioned, information is being provided by virtue of Section 31 and 40 of the FOIA and the following explanation is provided.

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 31 (1) – Law Enforcement (a) the prevention or detection of crime (b) the apprehension or prosecution of offenders

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 (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. 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 in relation to names and images etc constitutes '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. I 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 PSNI has made the decision to withhold that information.

Section 31 is a qualified and prejudice-based exemption. This means that the legislators have determined that it is necessary to evidence the harm in release and to conduct a public interest test.

The summary of the Harm and Public Interest considerations for Section 31 are provided below:

Harm

The front page of the Point Intranet system contains operational information intent for PSNI personnel. Release of all information would reveal details of operational activity as well as PSNI policy and procedures. A disclosure under FOI is a release of information into the public domain and not just to the applicant requesting the information.

Disclosure of this information into the public domain could be used by those intent on criminal activity for their own purposes, thus adversely affecting PSNI's law enforcement role. This would therefore both directly and indirectly impact on the prevention and detection of crime, the apprehension of criminals and increase the fear of crime in the community the police service seeks to serve.

Public Interest Test

Factors favouring disclosure – Section 31

Release of the requested information would lead to a better informed public and would demonstrate openness and transparency. The public would be better informed about PSNI's communication networks.

Factors favouring non-disclosure – Section 31

The release of operational information could negatively affect the law enforcement capabilities of PSNI as it would better inform those with criminal intent. Thus the use of this information may be of particular concern in light of the nature and extent of the prevailing terrorist threat which is currently SEVERE. It may also be used by criminals/terrorists in combination with other information they have gathered to prejudice law enforcement.

Decision

Information intent for an internal audience would not be suitable for external dissemination. The POINT Intranet site contains personal information which would identify officers and staff and details of operational activity as well as PSNI policy and procedures. Anything which is relevant to an external audience is routinely released via external channels including social and traditional media.

PSNI is tasked with the prevention and detection of crime and protecting the public. At this time of increased threat of terrorism, releasing detailed information with regard to operational matters into the public domain would not be in the public interest.

The release of information under the Freedom of Information Act 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.

PSNI has a duty to fulfil its law enforcement function and whilst there is a public interest in the transparency of policing, the delivery of effective law enforcement has overriding importance. Police need to make balanced judgements which justify why some information needs to remain exempt and unpublished.

Disclosure of this information has the potential to assist those criminal elements intent on subverting police and compromising law enforcement. Therefore, it is our opinion that this information is withheld.

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.