



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-02248

Keyword: Organisational Information HR Employment and Other

Subject: Stonewall Workplace Equality Index

Request and Answer:

Your request for information has now been considered. 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 information in relation to your requests numbers 1 and 2 which is being provided to you subject to a small number of redactions in relation to personal data and internal contact points which we explain below in our reliance of section 31 and Section 40 of FOIA. 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. Under the FOIA PSNI is obligated to respond to requests seeking recorded information (s.84 FOIA). In relation to numbers 3, 4 and 5 you ask us questions relating to how PSNI's approaches and future work programmes were informed by its Stonewall Workplace Equality Index submissions. We have provided a response to these below which we hope is of assistance.

You made the following requests to us:

Request 1

Please provide the PSNI's annual submission to the Stonewall Workplace Equality Index – for each year it has been subscribed to this scheme. Please include all attachments.

Request 2

Please provide the feedback that PSNI received from Stonewall on the Forces submissions to Stonewall's Workplace Equality Index, for each year that a submission was made.

Answer Requests 1 and 2

PSNI have been in the scheme since 2017, however, we only hold copies of our submissions and feedback from 2020 and 2021. We have a copy of the questions asked in 2018 and 2019 but do not hold submissions or feedback. We are providing the information we hold subject to a small number of redactions. Please see attached combined documents in relation to your request.

When PSNI's makes redactions under the FOIA we are obliged under section 17 (1) of that Act to tell you why these apply. PSNI have applied redactions in reliance of the following exemptions:

Section 31(1)(a) - Law Enforcement – Section (a) the prevention or detection of crime.

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 31 (1) (a)

As a release under the FOI is into the public domain and PSNI must consider what can be disclosed to the public at large PSNI have applied this exemption to redact direct contacts, email addresses and administrative log in information from the material being provided. PSNI considers disclosures of direct contacts into the public domain which sit outside published contact points could compromise the PSNI's law enforcement abilities by creating the possibility that the public would not use the appropriate contact channels which are staffed 24 hours a day. These are resourced to meet service delivery requirements including where police need to respond to an emergency situation; Alternative contact points could become bombarded or used by those intent on hampering police law enforcement activities by overloading these communication systems or hindering the tasking of a police response. The Information Commissioner's Office guidance states that 'section 31 (1) (a) states *'prevention or detection of crime, can protect information on a public authority's systems which would make it more vulnerable to crime'*. This guidance can be accessed at the following link:

<https://ico.org.uk/media/for-organisations/documents/1207/law-enforcement-foi-section-31.pdf>

PSNI considered the following public interest factors:

Factors favouring release – Section 31

PSNI considered there was a public interest in release of information could provide the public with increased access to PSNI resources.

Factors favouring retention – Section 31

PSNI considered there was a public interest in ensuring PSNI resources are used appropriately and contact points are not compromised which in turn would affect PSNI's law enforcement abilities

In this case PSNI considers the public interest favours upholding the exemption and has therefore withheld this information.

Section 40 – Personal Information

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'). There is information within the document 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 staff members, including those more junior members of staff 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 3

I would like details on how The PSNI took recommendations from Stonewall on how to improve its score in this scheme and implemented these recommendations into its practices and procedures.

Answer

A working group was set up in 2020 to review the recommendations from Stonewall and determine which of them could be applied to our current practices and procedures. Any changes were always in consultation with our own Legal team and various support and staff associations.

Request 4

I would like to know how any changes which PSNI has made as a result of its participation in this scheme (or its participation in the Diversity Champions scheme) has influenced or impacted on policing policy generally.

Answer

PSNI have introduced many initiatives that benefit our diverse workforce. It is not possible to say that these changes were as a direct result of our participation in the scheme. Decisions to introduce new policy or change to existing ones can be because of various reasons such as adopting best practice, a governing body recommendations or changes to legislation etc.

Request 5

Has participation in any Stonewall scheme influenced or impacted the way in which PSNI deals with or processes 'hate crimes'.

Answer

The PSNI's Service Instructions on Hate Crime detail the policy around the hate crime investigations. It is reviewed annually and updated in line with local and national best practice, including guidance from the College of Policing. The Service engages with a wide range of stakeholders and partner agencies in seeking to address the impact of hate crime and it is not possible to say that participation in any Stonewall scheme has directly impacted policy on this issue.

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 Corporate Information Manager, Corporate Information Branch, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.police.uk.

If, following an Internal Review carried out by an independent decision maker, you remain unhappy about how your request has been handled you have the right to apply in writing to the Information Commissioner, under Section 50 of the Freedom of Information Act, at 'Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. There are a number of other platforms you can use to contact the ICO and these can be found on the ICO's website at the following link: [Make a complaint | ICO \(https://ico.org.uk/make-a-complaint/\)](https://ico.org.uk/make-a-complaint/).

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 their 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.