



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-02396

Keyword: Organisational Information HR Employment and Other

Subject: OHW Employees Referred to OHS

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. We do not however hold information in relation to request numbers 1 or 2 below. We further consider some of the information you seek in request number 3 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

A member of my staff has submitted a request for information from OHW/HR as part of another request. I had asked OHW provide the data but they have requested this is logged as an FOI. The details of the request refer to the process for consideration of Ill Health Retirement for staff under the NICS pension scheme as is as below:

Request 1

Is it the case that any employee who has ever held a post in OHW is referred to OHS? Is this PSNI policy?

Clarification

Could you please clarify what the acronym "OHS" stands for?

Clarification received

My apologies that the acronym wasn't fully expressed; my initial request was as a member of staff through internal channels where the acronym is commonly in use. Fully written, it is Occupational Health Service (of Northern Ireland Civil Service).

Answer

Each case is assessed on a case by case basis. It would be the doctor's decision if he felt able to assess a colleague. Generally, this would be difficult, however it may be considered if the doctor was appropriately trained and experienced to make Ill Health Retirement assessments and if they had minimal contact or dealing with the staff member concerned. This is not a PSNI policy.

Request 2

If so, may I please be provided with a copy of that policy, and a breakdown of the numbers, age, and

gender and community background of those who have been assessed by OHS by reason of having been a former staff member of OHW?

Answer

Please see above answer for request 1.

Request 3

I also request a breakdown by number, and if possible gender, age and community background, of those PSNI staff who have been refused IHR in the last three years

Clarification

Can you please confirm what is meant by the past three years? Is this Financial Years?

Clarification received

The request is for three x 12 month periods. Depending on how statistics are collated, calendar year or financial year is acceptable.

Answer

There were 5 refusals in this period. Of the 5 who have been refused Ill Health Retirement in the last 3 years, 4 are male and 1 is female. Of the 5, 2 are in their sixties, 1 is in their fifties, 1 is in their forties and 1 is in their thirties. Regarding community background please see below exemption which has been applied.

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/s, 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– 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 information in relations to names of individuals constitutes '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.

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.

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.psni.police.uk

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