



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2022-02579

**Keyword:** Organisational Information Technology and Equipment

**Subject:** PSNI Notebooks

### 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 further consider the information you seek in request number 5 is partially exempt by virtue of sections 40 and 31 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

In relation to the announcement of the new digital notebooks made by the PSNI, I would like to know are the new digital notebooks going to be held on an officer's mobile device?

#### Answer

Yes. A notebook app is stored on the encrypted work space on the mobile device.

#### Request 2

What % of police officers have smart mobile phones issued to them by the PSNI?

#### Answer

100% of officers have smart mobile phones.

#### Request 3

What % of police officers have paper notebooks/journals issued to them by the PSNI?

#### Answer

100% of police officers have paper notebooks/journals.

#### Request 4

Who is ultimately responsible for the issuing-of and supervision of paper journals to individual police officers?

#### Answer

Journals are held by respective business areas, and issued to those ranks/ grades by a Single Point of Contact (SPOC) as per the Service Instruction. In addition, the Chief Constable, Deputy Chief Constable, Assistant Chief Constables or Heads of Departments may, at their discretion, direct any

police officer or member of police staff, to maintain a journal. The Service Instruction states that Journals will be inspected on a quarterly basis by a supervisory officer/line manager.

### **Request 5**

Is the reissuing and checking of Police notebooks by the PSNI aligned with any current legislation and if so, which one?

### **Answer**

The Service Instruction quoted above governs the reissuing and checking of Police notebooks. Please see attached Redacted Service Instruction.

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 31(1)(a)(b) Law Enforcement-** information which 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](http://www.legislation.gov.uk) and further guidance on how they operate can be located on the Information Commissioners Office website [www.ico.org.uk](http://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 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. Those staff members, including those more junior members of staff would not have any reasonable expectation PSNI would disclose such information of this nature relating to 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.

Section 31 is a qualified and class-based exemption which means that the legislators have determined that harm in release must be evidenced and also that a public interest test should be conducted.

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

## **Harm**

Information relating to names, and e-mail addresses of police personnel is a sensitive area. Releasing these details would allow criminals and anyone intent on hampering police law enforcement, to bombard the system with emails and phone calls therefore both directly and indirectly impacting on the prevention and detection of crime. Disclosure of information relating to a member of PSNI staff could impact on his/her safety and may be valuable intelligence for terrorist groups.

## **Public Interest Test**

### Factors Favouring Release – Section 31

Release of contact details could give the public better access to Police departments and provide a clearer understanding of the organisational structure of the PSNI.

### Factors Favouring Retention – Section 31

Disclosure of individual staff names and e-mail addresses could compromise the PSNI's law enforcement abilities by risking the bombardment of the addresses with e-mails. This would mean that police officers and staff may be tasked with answering emails which could be better dealt with by other departments and release of email addresses could increase the risk of cyber-attack which would hinder the receipt of legitimate emails. This could potentially lead to more crime being committed and individuals being placed at risk by important calls and information not getting through to the correct PSNI departments.

## **Decision**

While there may be a public interest in releasing the information requested, the PSNI must ensure that its law enforcement capability is not adversely affected by the release of contact details. There may be a public interest in having the capability to have direct access to police departments, however the PSNI will not release details that may hinder the detection or prevention of crime through the release of information which may be of assistance to criminals and this information has the potential to be inappropriately used or maliciously attacked.

A 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 release under FOI is considered a release to the world in general.

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Whilst there is a public interest in the transparency of policing and providing assurance that the Police Service is appropriately and effectively engaging with the threat of criminals there is also a very strong public interest in safeguarding PSNI systems and the law enforcement role of police.

Disclosure of information into the public domain would not be in the public interest and the disclosure of such information has the potential to assist terrorists and those criminal elements seeking to carry out attacks against PSNI systems and personnel. The safety of police personnel is of paramount importance and the PSNI will not divulge any information which could put any individual at risk.

Taking all of these factors into consideration, we are satisfied that the exemptions outlined above are applicable to this request and the name or email address are not disclosed.

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](mailto: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](http://www.psni.police.uk)

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