



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2010-01190

Keyword: Complaints/Discipline

Subject: Civilian Staff Disciplined for Breaches of Data Protection

Request and Answer:

This is to inform you that the Police Service of Northern Ireland (PSNI) has now completed its search for the information you requested.

Questions refer to previous requests F-2010-00279 and F-2010-00867

Question 1

What was the nature of the Data Protection Act (DPA) offences of the 2 cases referred to the Public Prosecution Service (PPS) by PSNI for consideration to be prosecuted but resulted in no prosecution?

Answer

The nature of the DPA offences referred to the PPS were related to misusing PSNI computer systems.

Question 2

What was the nature of the DPA offences of the remaining 3 who were not referred to PPS by PSNI?

Answer

The nature of the DPA offences not referred to the PPS were related to misusing PSNI computer systems.

As regards to questions 1 and 2 above, each case is examined on an individual basis to determine the level and manner of the potential breach of the Data Protection Act. The seriousness of the offence, the circumstances surrounding its commission and its potential impact will dictate the level of action to be pursued by the PSNI, the PPS and the conviction ultimately imposed at court.

Question 3

How many PSNI civilian workers, and ex civilian workers have been convicted for breaches of Data Protection Act from 2003 to 2007?

Answer

Professional Standards Department (PSD) has record of one PSNI civilian worker (now ex PSNI civilian worker) who was convicted for Breach of the Data Protection Act **and subsequently reported to them** between 2003 and 2007. However, the Professional Standards Department has responsibility for formal discipline primarily relating to police officers and has only limited information in relation to police civilian staff.

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

The information you requested is not routinely captured and therefore it is not held centrally within the Police Service of Northern Ireland. The Human Resource Managers in each of our eight District Command Units and six Departments had to be contacted in an attempt to retrieve a definitive response to your question.

I would like to draw your attention to the fact that there is no standardised way to collate the requested information within different Districts and Departments which is why some Human Resource managers may be able to retrieve the information and provide a response within the time permitted under FOI legislation and other managers of the larger districts would have to carry out prolonged manual searches of Personnel records. One HR Manager advised that retrieving this information for their district alone would involve manual trawls of individual personnel records of all 200/300 staff members and ex members during the period requested. They have estimated that this would take 24-32 hours which would greatly exceed the cost threshold.

Therefore it is estimated that the cost of complying with your request for information would exceed the "appropriate costs limit" under Section 12(1) of the Freedom of Information Act 2000, which is currently set by the Secretary of State at £450 (18 hours).

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

You may wish to submit a refined request in order that the cost of complying with your request may be facilitated within the 'appropriate limit'. Under our Section 16 duty to assist I can advise that it may be possible to retrieve this information, for the requested time period, for a selected District or Department.

Submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.

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 xxx@xxxx.xxx.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.psnipolice.uk

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