

## Freedom of Information Team

19<sup>th</sup> December 2016

**REFERENCE: FOI/16/179**

Dear Madam,

Thank you for your email request for information dated 29 November 2016 and detailed below.

*1. On how many occasions in the past five years your Department suspended a member of staff where the reason for suspension related solely to conduct outside work In respect of which conduct there was no police investigation.*

*2. On how many occasions in the past five years your Department suspended a member of staff for more than two years without making any disciplinary charge against that person.*

The Freedom of Information Act 2000 gives you two rights of access when you write to us asking for information. You have the right to know whether we hold the information that you are looking for, and you have the right to have the information given to you. These rights may only be overridden if the information you are looking for is covered by an exemption in the Act.

**Section 40(2) (Personal information)**



The information requested has been redacted under s40 of the FOI Act, please see full explanation below.

Due to the low number of cases/figures involved, disclosure of the information requested could lead to the identification of individuals. For this reason, the information you have requested is exempt from disclosure under Section 40(2) (Personal information) of the Freedom of Information Act 2000. The Data Protection Act 1998 prohibits the release of personal data which relates to third parties which could, if released, identify the third party to whom it relates. Disclosure would contravene the first principle of the Data Protection Act in that the data would be processed unfairly and none of the conditions in Schedule 2 (and also Schedule 3 if sensitive personal data) of the Act are met to authorise lawful disclosure.

Section 40 (2) provides an absolute exemption and there is no requirement for the completion of a public interest test.

If you are unhappy with the result of your request for information you may request an internal review within two calendar months of the date of this letter. If you request an internal review please do so in writing stating the reasons to the address above.

If following an internal review you were to remain dissatisfied you may make a complaint to the Information Commissioner and ask him to investigate whether the DOJ has complied with the terms of the FOIA. You can write to the Information Commissioner at:

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

The Commissioner will not investigate a complaint unless an internal review procedure has been carried out.



Further details on the role of the Information Commissioner and the handling of appeals can be found at: [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

If you wish to discuss this please contact the Freedom of Information Team using the contact details provided at the top of the first page. Please remember to quote your reference in any correspondence.

Yours sincerely

**Freedom of Information Manager**

