



FREEDOM OF INFORMATION REQUEST

Please note the text of this request has been reproduced exactly as received.

FOI Reference number: FOI 70/2024

Date: 17 September 2024

Request:

Corporate plan Objective D: To deliver independent, fair and transparent processes for former and serving officers in line with Police Pension, Injury Benefit and Appeal Legislation.

Whilst considering the above commitment by the Board and the recent criticism from The Honourable Mr Justice Scofield relating to the Board misdirecting itself in law in relation to the above regulations my request is that:

The Policing Board For Northern Ireland provide me with a copy of the unredacted version of the documents requested in FOI request 24/2022. Dated 2 November 2022.

Answer:

The document requested in FOI request 24/2022 was a paper presented to the Board's Resources committee on 30 July 2020 titled 'Implications of McKee & Others v The Charity Commission for Northern Ireland'

The Board is unable to provide an unredacted copy of this paper but we have attached a redacted copy of the paper for your convenience. Where redactions have been made this is because the following exemptions apply.

Section 36 Prejudice to effective conduct of public affairs.

The specific sub sections being relied on are Section 36 (2) (b) (i) and (ii), and Section 36 (2) (c) of the Freedom of Information Act 2000.

Section 36 (2) (b) states –

Information to which this section applies is exempt information if in the reasonable opinion of a qualified person disclosure of the information under this Act –

Would, or would be likely to inhibit –

- (i) The free and frank provision of advice, or
- (ii) The free and frank exchange of views for the purposes of deliberation.

Section 36 (2) (c) states –

Information to which this section applies is exempt information if in the reasonable opinion of a qualified person disclosure of the information under this Act –

‘would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.’

The information, within the scope of your request, has been shown to the ‘Qualified Person’ who for the Board is the Chief Executive. The ‘Qualified Person’s’ opinion is that the exemptions at Section 36 (2) (b) (i) and (ii) and Section 36 (2) (c) are engaged.

As this exemption is a qualified exemption the Board has gone on to carry out a public interest test to decide whether the public interest in maintaining the exemption outweighs the public interest in disclosure.

Having conducted the public interest test it is felt that the public interest in engaging the exemption to withhold the information does outweigh the arguments towards disclosure at this point in time. A copy of the public interest test is attached at Annex A.

Section 40 (2) Third Party Personal Information

This personal information is exempt from disclosure to you under section 40(2) by virtue of section 40(3)(a)(i) of the FOIA.

Section 40(2) allows a public authority to withhold information from a response to a request for information under the FOIA when the information requested is personal information relating to someone other than the requester and its disclosure would contravene one of the data protection principles.

The first data protection principle requires personal data to be processed fairly and lawfully. This personal data is exempt from disclosure under section 40(2) of the FOIA as, in our view, it would be unfair to provide it to you, and therefore disclosure would be in contravention of the first principle of the UK General Data Protection Regulation. This is an absolute exemption and there is no requirement to conduct a public interest test.

If you have queries about this request or the decision please contact the Board quoting the reference number above. If you are unhappy with the service you have received and wish to make a complaint or request a review you should contact the Board’s Chief Executive -

Via Email: foi@nipolicingboard.org.uk

Or in writing at the following address:

Northern Ireland Policing Board
James House
Block D
2 – 4 Cromac Avenue
The Gasworks
Belfast
BT7 2JA

You should contact the Board within 40 working days of this response.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner. Generally, the Information Commissioner's Office cannot investigate or make a decision on a case unless you have exhausted the complaints procedure provided by the Board. You should make complaints to the ICO within six weeks of receiving the outcome of an internal review.

The Information Commissioner can be contacted at the following web link –

www.ico.org.uk/foicomplaints

or in writing at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Telephone: - 0303 1231114

Email: - ni@ico.org.uk

Please be advised that Policing Board replies under Freedom of Information may be released into the public domain via our website @ www.nipolicingboard.org.uk.

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