



FREEDOM OF INFORMATION REQUEST

FOI Reference number: 24/2021

Date: 1 April 2022

Request:

I seek information from NIPB as under in accordance with FOI procedure.

1. Confirm NIPB Policy/procedure regarding retention of SMP Clinical notes

Answer - All papers processed by the Northern Ireland Policing Board (the Board) to include the contemporaneous written notes made by the Selected Medical Practitioner (SMP) during assessments are held in line with the Board's Retention and Disposal Schedule.

2. Since the introduction of new in house arrangements in 2016 confirm it has been established practice for NIPB to take possession of all SMP Contemporaneous Clinical notes, recorded during IOD, IHR interviews without consent form those subject of assessment/examination. To what extent has this been an ongoing practice.

Answer - The Board collects and processes information, to include the SMP's contemporaneous written notes, in order to meet its public function and to perform various statutory duties conferred on it by Injury on Duty and Ill Health Retirement legislation. The lawful basis for processing this information is therefore not consent but rather "public task" further to Article 6(1)(e) UKGDPR.

3. Confirm the practice as per Q3 is not in accordance with current Data Legislation.

Answer - See response to question 2 (above).

In the light of such confirmation what action does NIPB propose taking in 1) Retuning all such notes to SMPs and

Answer - See response to question 2 (above).

- 2) Advising of possible Data Breaches to all those affected by this practice

Answer - Further to the response to Question 2 (above), no such data breaches have occurred. and

- 3) Ceasing this unlawful practice.

Answer - See response to question 2 (above) for lawful basis.

4) Reporting this unlawful practice to the Office of the Information Commissioner

Answer - See response to question 2 (above).

5) Advising all SMPs of possible Data Breaches in handing over such notes without consent to NIPB

Answer - Further to the response to Question 2 (above), no such data breaches have occurred. And

6) Action proposed in those cases where NIPB has passed on Clinical notes without consent to this parties

Answer - Further to the response to Question 2 (above), no such consent is required.

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 write to the Board's Chief Executive at the following address:

Northern Ireland Policing Board
Waterside Tower
31 Clarendon Road
Clarendon Dock
Belfast BT1 3BG

Email: foi@nipolicingboard.org.uk

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. The Information Commissioner can be contacted 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.