



FREEDOM OF INFORMATION REQUEST

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

FOI Reference number: 19/2021

Date: 7th April 2022

Request:

PASS (NI) is concerned re the possible breach of Data Legislation regarding the USE/RETENTION of SMP contemporaneous notes.

Could you provide a response to the following FOI request?

1. To what extent does NIPB retain SMP Clinical Contemporaneous notes, following IOD/III Health retirement assessments at Waterside Tower?
2. Under GDPR what authority has NIPB to take possession of such notes and retain for indefinite periods?
3. Is it NIPB practice/policy to retain such notes without proper authority and written consent from the individuals who are the subject of the assessments?
4. What consultation, if any, has NIPB had with SMP's to hand over such notes, without consent?
5. How long has this unlawful practice been operating?
6. How many complaints has NIPB received over the past two years as a result of this unlawful practice?
7. Please quantify the number of Data Protection breaches [sic] over the past two years as a result of this unlawful practice?
8. What action does NIPB intend to take, to cease this unlawful practice, including advice to SMP's?
9. Resulting from this FOI request, please confirm how and when NIPB will return all contemporaneous clinical notes held back to SMP's?
10. Confirm also that all Officers/Retired Officers, affected by this practice, shall be individually advised of their notes having been unlawfully held by NIPB/handed over to SMP's.
11. Please confirm that NIPB, shall, upon response to this FOI request, publish this request and response on NIPB website under Publications?

Answer:

1. 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. 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 "public task" further to Article 6(1)(e) UKGDPR.

3. Further to the response to Question 2 (above), no such consent is required.
4. Further to the response to Question 2 (above), no such consent is required
5. Further to the response to Question 2 (above), no such “unlawful practice” has taken place.
6. Further to the response to Question 2 (above), no such “unlawful practice” has taken place.
7. Further to the response to Question 2 (above), no such data breaches have occurred.
8. Further to the response to Question 2 (above), no such “unlawful practice” has taken place.
9. The Board will continue to retain information in line with its Retention and Disposal Schedule.
10. Further to the response to Question 2 (above), no such “unlawful practice” has taken place.
11. Yes

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.