



## FREEDOM OF INFORMATION REQUEST

**FOI Reference number:** FOI 02/2015

**Date:** 5 February 2015

**Request:**

Following a recent briefing to stakeholders by the Chief Executive of Northern Ireland Policing Board (NIPB) I find it disappointing that only chapters 1 and 14 of the Scoffield report were released to us.

Under Freedom of Information Legislation, I am now requesting a full copy of the Scoffield Review.

**Answer**

The Board agreed on 4 December 2014 to publish Chapters 1 (Introduction, Terms of Reference and Executive Summary) and 14 (Conclusion and Recommendations) on the Board's website.

At the Chief Executive's meeting in relation to the Scoffield report on 17 December 2014 he advised the various stakeholders that it would be helpful if they updated their Members on the meeting, directed individuals to the NIPB website and encourage others to refrain from contacting the Board as updates will be issued by letter and on the website.

With respect to the remaining chapters of Mr Scoffield QC's report these will not be published as they are exempt under Section 42 given they are subject to advice privilege.

Advice privilege applies where no litigation is in progress or contemplated. It covers confidential communications between the Board and David Scoffield, QC as the Board's legal adviser, made for the dominant purpose of seeking or giving legal advice.

The section 42 exemption is a qualified exemption and is subject to a Public Interest Test. I must inform you that in the circumstances of this request the Policing Board has determined that the public interest in maintaining the exemption outweighs the public interest in disclosure.

A copy of our public interest test document is attached for your information.

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](mailto: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:-

The Information Commissioner's Office – Northern Ireland  
3rd Floor  
12 Cromac Place  
Gasworks  
Ormeau Road  
Belfast  
BT7 2JB.

Telephone: - 0303 1231114  
Email: - [ni@ico.org.uk](mailto:ni@ico.org.uk)

Please be advised that all Policing Board replies under Freedom of Information will be released into the public domain via our website @ [www.nipolicingboard.org.uk](http://www.nipolicingboard.org.uk).

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

## **FOI 02/2015 – Section 42 Exemption “Advice Privilege”**

### **Public Interest Test**

The above exemption is a qualified exemption, and a Public Interest Test must be carried out to decide whether the public interest in maintaining the exemption outweighs the public interest in disclosure.

### **Information requested by the applicant**

- A copy of the Scoffield Report

### **Arguments in favour of disclosure of the requested information**

1. Disclosure of the requested information would be in line with a public authority being open and transparent in how it transacts its business, and would help in promoting accountability.
2. Disclosure would also be within the overall spirit of the Freedom of Information legislation in asking public bodies to be open and transparent.
3. Work undertaken by the Board in respect of the Injury on Duty Award process has prompted media interest in the past and, therefore, it could be argued that there is a public interest in releasing the requested information.
4. The issues surrounding the operation of the Injury on Duty Award process are current and generating debate amongst interested parties. The increased level of communication received by the Board from individuals, political representatives and stakeholder organisations highlights that the topic is of interest to sections of the community.

### **Arguments in favour of engaging the exemption and withholding the requested information**

1. Maintaining legal privilege would safeguard openness in all communications between the Board and Mr David Scoffield QC, to ensure access to full and frank legal advice, which in turn is fundamental to the administration of justice.
2. The legal advice is ‘live’ and is still being actively considered by the Board.
3. Release of the requested information at this time would adversely impact upon the current operation of the Board’s Police Administration Branch. To date the increased volume of correspondence received by the Board from individuals, political representatives and various stakeholder organisations has significantly increased the work pressures on the Branch. It is believed that full release of this information would generate an unsustainable increase in the volume of requests for information.

4. Release of the information at this time could hinder and restrict the ability of officials to have the necessary 'free thinking space' to fully consider the issues surrounding the administration of the Injury on Duty Award process and on-going discussions with the Department of Justice and PSNI.
5. Release of all information into the wider public arena at this time *could* lead to interested parties amongst the general public and amongst elected representatives to 'lobby' the Board on individual cases, which could also hinder the discussions currently on-going and lead to misrepresentation of advice that was given..
6. The release of this information is of interest to the applicant, and may be of interest to other individuals who have a direct involvement with the Injury on Duty process. However this is not the same as being of interest to the public at large which is what releasing this information under the FOIA is intended to be.
7. The Board has published Chapters 1 and 14 of the report which contain the main issues examined and Mr Scofield QC's conclusions and recommendations, thereby recognising the public's interests in the Injury on Duty Awards process.

## **Result**

Taking into account all of the deliberations above, it is felt that the public interest in engaging the exemption to withhold the information outweighs the arguments towards disclosure.

As a result, the requested information should not be provided.