



## **FREEDOM OF INFORMATION REQUEST**

**FOI Reference number: 28/2015**

**Date: 15 May 2015**

**Request Context – this request for information follows on from a FOI internal review determination.**

I ask you please arrange to provide me with a full exact copy of all contemporaneous notes made by the panel members at both the original meeting and also at the subsequent meeting, when they agreed to change their original decision as notified in your letter.

**Answer:**

This information is not held by the Policing Board.

For your reference however we have attached, as Appendix A, copies of the official notes made to record the determinations of the review panel.

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.

**From:** Lorraine Calvert  
**Sent:** 15 April 2015 14:27  
**To:** [REDACTED]  
**Cc:** Barney McGahan; Amanda Stewart  
**Subject:** TRIM: Internal Review of FOI 03/15

Note of FOI Review Panel 03/15

### Review Panel

Barney McGahan, Interim Chief Executive  
Amanda Stewart, Director of Partnership

Present

Lorraine Calvert, Complaints Reviewer

Following consideration of the case presented, the panel agreed that the factors in favour of maintaining the Section 42 exemption of Legal Professional Privilege were **not met** and Chapters 2-13 of the Scofield Report should be released to the applicant.

In reaching this decision the panel discussed in detail the substance of the information contained in Chapters 2-13 and the advice of the ICO in respect of the use of the Legal Professional Privilege exemption.

The panel also agreed that prior to release to the applicant the Report should be reviewed for redaction of any personal case information.

The applicant should now be informed of the decision and advised that release of the report will be made following completion of redaction (within 2 weeks). The issue raised in relation to the content of the last paragraph of the Public Interest Test should also be clarified to the applicant.

The panel also agreed that the Board and Mr Scofield should be informed of the decision in this case.

Lorraine Calvert  
Communications Manager  
Northern Ireland Policing Board  
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## File Memo

**Date:** 28 April 2015

**Subject:** Freedom of Information: 03/2015 Internal Review

During the redaction exercise authorised by the review panel on 15 April 2015 to remove personal data from the Scofield Report additional information was identified that was deemed to be exempt from disclosure.

This information relates to draft injury benefit regulations. This Decision Maker has deemed that this information is exempt under Section 22 (Intended for future publication).

The matter was brought back to the review panel members on Friday 24 April 2015. The panel were made aware of the ICO guidance in respect of Section 22 and the public interest test arguments.

The panel members determined that Section 22 applied to this information and that the public interest in maintaining the exemption outweighs the arguments towards disclosure.

Barney McGahan Interim Chief Executive



Amanda Stewart, Director of Partnership



## **FOI 03/2015 – Section 22 Exemption “Information Intended for Future Publication”**

### **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**

- Copy of Chapters 2 to 13 of the Scofield review/report.

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

1. Disclosure of the 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.

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

1. The draft injury benefit regulations referenced in the Scofield report are an early version and may have been revised since they were provided to the Board.
2. Withholding disclosure would safeguard openness in all communications between the Board, the DOJ and other parties on the draft injury benefit regulations, to ensure a full and frank exchange of views.
3. Release of the information at this time would pre-empt a planned public consultation by the DOJ on the draft injury benefit regulations.
4. The DOJ intend to publish the final injury benefit regulations following resolution by the Northern Ireland Assembly. The Board should not place information in the public domain that may be subject to future amendment.

### **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.