



FREEDOM OF INFORMATION REQUEST

FOI Reference number: 58/2013

Date: 17 January 2014

Request: Full details of the following two internal audit assignments, mentioned as "completed" in the minutes for the Audit and Risk Management Committee's March 2013 meeting.

- REVIEW OF POLICE ADMINISTRATION BRANCH
- INTERNAL AUDIT FOLLOW UP REPORT

Answer: On 24 December 2013 in our initial response to you the Board advised that the exemption at section 36 (2) (c) of the Freedom of Information Act (Prejudice to the Effective Conduct of Public Affairs) applied to the requested information. .

Section 36 requires that other than for statistical information, the qualified person for the public authority must give their reasonable opinion that the exemption is engaged. The qualified person for the Board is the Chief Executive. A submission using the ICO document entitled 'Record of the qualified person's opinion' was made to the Chief Executive on 19 December 2013. The Chief Executive provided an opinion on 24 December 2013 that the exemption at Section 36 (2) (c) was engaged.

In our 24 December 2013 correspondence we advised you that Section 36 is a qualified exemption and, as such, is subject to a Public Interest Test. We also explained that we needed further time to fully consider a Public Interest Test in relation to the information requested.

The Board has now completed its deliberations to determine if, in all the circumstances of the case, the public interest in maintaining the Section 36 exemption outweighs the public interest in disclosing the information

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, and therefore the requested information should not be released at this time.

A copy of our public interest test document is enclosed 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

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: - 02890 269 380

Email: - 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.

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

FOI 58/2013 – Section 36 (2) (c) Exemption “Prejudice to the Effective Conduct of Public Affairs”

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

- “Review of Police Administration Branch”.
- “Internal Audit follow up 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’s Police Administration Branch 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. Release of this information may help inform the applicant about the protocols and practices that have operated with the Board’s Police Administration Branch.
5. The issues surrounding the operation of the Injury on Duty Award reviews at age 65 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. The contents and recommendations of the Internal Audit Report are being considered as part of an on-going review into the operation of the Branch in question, which is itself part of the wider review into how the Board / Department of Justice conduct Injury on Duty medicals and reviews etc. A

Project Manager has been assigned and they have been assessing the functions, policies, processes and procedures currently being operated within that Branch. As this work is on-going, release of the requested information could adversely impact upon this, as questions received from interested parties around the contents of the Audit Report may require officials to defend their position in relation to both the Audit Report and what the review outcome may be. This is seen as premature at this point in time.

2. 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 release of this information would generate an unsustainable increase in the volume of requests for information.
3. 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 operation of the Police Administration Branch and the on-going review in the policy practice and procedures for conducting Injury on Duty reviews at age 65.
4. The issues surrounding the operation of the Police Administration Branch and the on-going review in the policy practice and procedures for conducting Injury on Duty reviews at age 65 are still being discussed. A Working Group, chaired by the Board's Chief Executive, has been established to take both of these issues forward. The Working Group consists of representatives from the Board, Department of Justice and several stakeholder groups (PSNI – Pensions Branch, NI Retired Police officers Association, Disabled Police Officers Association, Police Federation of Northern Ireland and the Superintendents' Association). As such, since these interested parties already have an avenue to assist in the review process, it is felt that the public interest in this work area is already sufficiently addressed at this time.
5. Release of the 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 certain issues, which could also hinder the review process currently on-going.
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 ongoing 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 review is scheduled to be completed in March / April 2014. At that time the Board will be reporting its findings on the way forward and information on plans will be placed in the public domain and circulated to all interested parties.

Result

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

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