

*Records and Information
Management Team*

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Sent to:



Your Ref:

Our Ref: 17:14

Date: 7 February 2017

Dear



FOI Case No. 17:14



Thank you for your e-mail of 13 January 2017 which was treated as a request for information under the terms of the Freedom of Information Act 2000.

Please see your request and our response below:

1. Please provide the name(s) of personnel with the role Governor 4 in the Northern Ireland Prison Service.

The Governor Grades were amalgamated; Governors 4, 3 and 2's became Functional Head. There are 10 Functional Heads in the Northern Ireland Prison Service.

The staff names cannot be disclosed, they are exempt from disclosure under Section 40(2) (Personal information) and Section 38(1) (Health & Safety) of the Freedom of Information Act 2000.

Section 40(2) provides an absolute exemption and there is no requirement for the completion of a public interest test.



Department of
Justice

www.justice-ni.gov.uk

Disclosure would also contravene the first principle of the Data Protection Act in that the data would be processed unfairly and none of the conditions in Schedule 2 of the Act are met to authorise lawful disclosure.

Section 38 of the Act specifies the following exemption in relation to the disclosure of information:

1. Information is exempt information if its disclosure under this Act would, or would be likely to
 - (a) endanger the physical or mental health of any individual, or
 - (b) endanger the safety of any individual.

Section 38 of the Freedom of Information Act 2000 is a non-absolute exemption and is therefore subject to the terms of a Public Interest Test.

The Public Interest Test has been carried out and the balance lies in favour of withholding the information. A copy of the PIT is attached at Annex A.

2. Please provide a brief description of the Governor 4 job role.

Functional Head	<ul style="list-style-type: none"> • Integrates many responsibilities currently undertaken by existing Governors Four, Three and Two including existing Deputy Governor duties. 	<ul style="list-style-type: none"> • Responsible for ensuring a Function (s) within the establishment performs effectively to deliver key corporate and business plan objectives. • Responsible for providing ongoing strategic and operational leadership to staff and for the continuous development of the Function(s). • Depending on the scale and complexity of the prison establishment, Functional Heads may be required to work across functional areas.
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3. Please provide the names of all roles/grades senior to Governor 4, along with the number of personnel at each role/grade.

There is no operational staff in the Northern Ireland Prison Service senior to Functional Head. Functional Head staff report to the Director of Operations, Phil Wragg.

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If following an internal review you were to remain dissatisfied you may make a complaint to the Information Commissioner and ask him to investigate whether the DOJ has complied with the terms of the FOIA. You can write to the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

The Commissioner will not investigate a complaint unless an internal review procedure has been carried out.

Further details on the role of the Information Commissioner and the handling of appeals can be found at: <https://ico.org.uk/>

If you wish to discuss this please contact the Records and Information Management Team using the contact details provided at the top of the first page. Please remember to quote your reference in any correspondence.

Yours sincerely,

Records & Information Management Team

PUBLIC INTEREST TEST CONSIDERATIONS

Section 38 HEALTH & SAFETY

FOI Request number: 17:14

Date: 31/01/2017

Responsible division: NIPS

Name of person/s carrying out PIT: HR Business Partner

PUBLIC INTEREST TEST IN RELEASING INFORMATION:

The NIPS accepts that there is a public interest in placing as much information as possible in the public domain which will allow for debate and improve transparency and accountability.

The public have a general interest in information that increases its knowledge and understanding of how Government works.

PUBLIC INTEREST IN RETAINING INFORMATION:

Section 38 of the Act specifies the following exemption in relation to the disclosure of information:

1. Information is exempt information if its disclosure under this Act would, or would be likely to

- (a) endanger the physical or mental health of any individual, or
- (b) endanger the safety of any individual.

Given the sensitive nature of some of the work carried out by the NIPS, members of staff are exposed to increased risk of targeting or attack should their involvement with the NIPS be made public.

Staff may be targeted from existing terrorist groups and the overall threat assessment remains severe.

There is obviously a strong public interest in avoiding risks to individual's and those individuals associated with staff either directly as employees or indirectly as members of employee's families. It would not serve public interest to release names of senior staff and increase the risk that they are under.

Regardless of who the requester is and what the motives may be, once information is released under FOI it becomes public domain and NIPS has no control over access to it. This is an unacceptable risk.

OUTCOME OF PUBLIC INTEREST TEST CONSIDERATIONS:

We have concluded that the public interest in withholding the name of these individuals' falls within the criteria described above for s38 outweighs the public interest in release.