



Date: 03/06/2020

Our Reference: FOIA-2020-053

RE: Your request for information under the Freedom of Information Act 2000

I write in response to your Freedom of Information Act 2000 (FoIA) request dated **12/05/2020**, in which you requested:

“Please disclose the total amount paid in compensation to staff for personal injuries in the financial years 2018/19 and 2019/20.

Please provide a breakdown for each year showing how much was paid in each case, what caused the injury/injuries and the nature of the injury/injuries.”

On **12/05/2020**, you provided clarification that ‘personal injuries’ should include tangible, and intangible harm.

On **19/05/2020**, you provided further clarification that ‘compensation’ should include legal fees.

Decision

When a request for information is made under the FoIA 2000, a public authority has a general duty under section 1(1) of the Act to inform an applicant whether the requested information is held. There is then a general obligation to communicate that information to the applicant. If a public authority decides that the information should not be disclosed because an exemption applies, it must, under section 17(1) cite the appropriate section or exemption of the Act and provide an explanation for relying upon it.

In line with section 1(1), I can confirm the College holds **recorded information** within the scope of your request. We have dealt with both parts of your request below:

Please disclose the total amount paid in compensation to staff for personal injuries in the financial years 2018/19 and 2019/20.

Total amount paid in 2018/2019 –No compensation paid. £4,900 in legal fees.

Total amount paid in 2019/2020 – No compensation paid. No legal fees paid.

Please provide a breakdown for each year showing how much was paid in each case, what caused the injury/injuries and the nature of the injury/injuries.

2018/2019– 5 or less recorded cases.

We hold the number of cases for 2018/2019, but will not be providing the specific figure to comply with the exemption under section 40(2) – Personal information. In addition, we hold the details of the nature and cause of all injury/injuries, but again, will not be providing these, under section 40(2).

2019/2020 – no recorded cases.

Your rights are provided at the bottom of this letter. Please also find an explanation of our decision to apply section 40(2) FoIA below.

Yours sincerely,

Kate Kaufman | Legal Researcher

Legal Services

College of Policing

Email: FOI@college.pnn.police.uk

Website: www.college.police.uk

Section 40(2) of the Freedom of Information Act 2000 – Personal Information

Section 40(2) states that:

“Any information to which a request for information relates is also exempt information if-

- (a) It constitutes personal data which do not fall within subsection (1), and
- (b) Either the first or the second condition below is satisfied.”

Essentially, under section 40(2) FoIA (by virtue of section 40(3A)), personal data of a third party can be withheld if any of the data protection principles would be breached by disclosing that data.

Personal data is defined in section 3(2) of the Data Protection Act 2018 (DPA), as being:

“Any information relating to an identified or identifiable living individual”.

Section 3(3) DPA defines an identifiable living individual as:

“a living individual who can be identified, directly or indirectly, in particular by reference to –

- (a) an identifier such as a name, an identification number, location data or an online identifier, or
- (b) one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual”.

As is stated above, the two main elements of personal data are: that the information must ‘relate’ to a living person and that the person must be identifiable. Information will relate to a person if it is: about them, linked to them, has some biographical significance for them, is used to inform decisions affecting them, and has them as its main focus or impacts on them in any way.

We acknowledge that disclosing the specific figure for the amount of claims, and the details of the injuries may not in itself lead to the direct identification of a living individual, however, we consider that releasing this information may lead to indirect identification. If this information were to be coupled with other information released in the public domain, we consider that an indirect identification could be made.

As a result, we have decided to withhold the specific number of cases in 2018/2019, and the details of the claims.

We are committed to openness and transparency, and recognise the wider public interest in information relating to compensation being made available. However, we also have a legal duty to ensure that the rights to privacy of individuals are protected and we do not believe that it would be fair to disclose the requested information

Your right of review

Under the Freedom of Information Act 2000 you have a right to request an internal review if you are dissatisfied with our handling of your request. Review requests should be made in writing (by email or post) within **40 working days** from the date of our original response. We will aim to respond to your review request within **20 working days**.

The Information Commissioner's Office (ICO)

If, after lodging a review request you are still dissatisfied, you may raise the matter with the ICO. For further information you can visit their website at <https://ico.org.uk/for-the-public/official-information/>. Alternatively, you can contact them by phone or write to them at the following address:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Phone: 0303 123 1113