

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 9 January 2024

**Public Authority:** Police Service of Northern Ireland  
**Address:** 65 Knock Road  
Belfast  
BT5 6LE

### Decision (including any steps ordered)

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1. The Commissioner's decision is that the information requested regarding awareness training is exempt from disclosure under section 43(2) of FOIA, and the public interest favours maintaining the exemption in this case.
2. It's not necessary for the Police Service of Northern Ireland (PSNI) to take any corrective steps.

### Request and response

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3. The complainant made the following information request to the PSNI on 10 July 2023:

"By chance, I've just come across this tweet:  
[https://twitter.com/assistni\\_/status/1648583264578273285](https://twitter.com/assistni_/status/1648583264578273285)

It indicates that the group Cara-Friend had provided 'awareness training' to the PSNI back in April.

Can I find out the details of this please:

Was it a paid-for session, and if so how much?

How many officers was it for?

And please send us the training materials."

4. The PSNI's final position was that the relevant information it holds is exempt from disclosure under section 43(2) of FOIA.

## Background

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5. The PSNI advised: 'the training was provided by a third-party entity entitled 'Cara Friend'<sup>1</sup>. Their training is based on serving and empowering the LGBTQI+ community in Northern Ireland. This training provides opportunities to discuss language, best practice, and offers a space to ask questions in a safe and constructive environment.'
6. Its website states: 'Cara-Friend has been serving and empowering the LGBTQI+ community in Northern Ireland since 1974.' Part of its service offers 'The LGBTQI+ Inclusive Business Charter' which says: 'is an invaluable training package which enables businesses to address inclusivity, equality, and respect within their workplace. The Charter also highlights the need for greater awareness and understanding of LGBTQI+ issue.'
7. PSNI contacted Cara Friend with regard to the disclosure of the training materials. It set out a clear objection to any disclosure as it would have potential financial implications for the charity.

## Reasons for decision

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8. The Commissioner's reasoning focusses on whether the PSNI is entitled to withhold the information the complainant has requested under section 43(2) of FOIA.

## Section 43 – commercial interests

9. Section 43(2) of FOIA states that information is exempt if its disclosure would, or would be likely to, prejudice the commercial interests of any person, including the public authority holding it.
10. In its response during the Commissioner's investigation, the PSNI explained that: " 'Cara Friend' operates in a small, competitive market and disclosure would provide other training providers access to specialist

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<sup>1</sup> [Cara Friend – Supporting LGBTQI+ People in Northern Ireland \(cara-friend.org.uk\)](http://cara-friend.org.uk)

content. If released this would allow competitors to review their bespoke material and duplicate it at little or no cost to themselves, thereby damaging 'Cara Friend's' competitive position in the marketplace."

11. The Commissioner is satisfied first that the harm the PSNI envisages relates to commercial interests; principally those of the provider, but also of the PSNI if disclosure were to result in litigation.
12. Second the Commissioner accepts that a causal link exists between disclosure and commercial prejudice. In its submission to him, the PSNI has explained that the provider delivers bespoke training depending on needs and disclosure would likely reveal its methodology and approach. "Staff members with subject matter expertise undertake their own research and create bespoke teaching and training materials on specific topics. Information is also based on their own professional experiences. To disclose the training materials in this competitive environment would be likely to allow competitors to draw on staff's expertise and knowledge." Disclosure could also lead to those who tender for work being less willing to work with the PSNI in the future. This would be likely to prejudice the PSNI's commercial interests and ability to attract competitive tenders in future.
13. With further regard to the PSNI, if it were necessary to enter into litigation proceedings with a provider as the result of disclosing the requested information, that would have a negative commercial impact on the PSNI. In other words, disclosure would also be likely to prejudice the PSNI's commercial interests.
14. Finally, the Commissioner accepts the PSNI's position that the envisioned prejudice would be likely to happen i.e. it is more than a remote, hypothetical possibility. The Commissioner's decision is therefore that the exemption at section 43(2) is engaged, and he will go on to consider the associated public interest test.
15. In their request for an internal review the complainant has said that: "It is not merely the cost (in this case a mere three-figure donation) which gives rise to the public interest element of this enquiry. Far more important is the issue of what the officers are being taught, given that this teaching comes from an activist group promotes ideas about gender which are at variance with much of the general population, and which are hotly contested by other activists. Nor have the data handlers considered the issue of precedent: in a previous FOI request, such training materials were provided to me via FOI in the case of Transgender NI: <https://www.newsletter.co.uk/news/crime/director-of-group-hired-to-train-psni-dubbed-police-racist-oppressor-pigs-who-deserve-the-wall-297774>."

16. The complainant emphasised that: "The principal fact underpinning all this is that the value of such training, and the assertions of such activist groups in general, is now very much a UK-wide matter of public interest and concern." Cara-Friend isn't even a commercial entity: it is a charity, not a for-profit enterprise. Even sillier, the training was not provided on the basis of a commercial contract - it was provided in return for a £500 DONATION by the PSNI. Lastly, the claim of commercial confidentiality is wrecked on the rocky reality that the PSNI had previously provided me with similar training materials by Transgender NI, to which the same commercial sensitivity considerations surely must have applied."
17. The PSNI counters the complainant's claim that Cara Friend isn't a commercial entity, it is registered as a company limited by guarantee and a registered charity. Cara Friend operates in a small, competitive market and disclosure would provide other training providers access to specialist content. If released this would allow competitors to review their bespoke material and duplicate it at little or no cost to themselves, thereby damaging Cara Friend's competitive position in the marketplace.'
18. As well as the complainant's specific public interest arguments for the information's disclosure above, there is a general public interest in public authorities being open and transparent. However, no evidence of the previous disclosure mentioned has been provided to the Commissioner for his investigation, the link provided points to an article published in the 'Newsletter'.
19. Each request has to be considered on its own merits on a case-by-case basis. In the Commissioner's view, there is minimal wider public interest in the materials provided for the training process. There is, however, wider public interest in their being a choice of provider's working in this specialist marketplace and in those organisations being able to compete for work fairly.
20. The public interest in transparency is met through the information that Cara Friend provides publicly and the PSNI made available. On balance therefore, the Commissioner finds that the public interest favours maintaining the section 43 exemption in this case.

## Right of appeal

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21. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals  
PO Box 9300  
LEICESTER  
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

22. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
23. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

## Signed

**Susan Duffy**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**