



Ministry of Defence Police

Freedom of Information Manager

Ministry of Defence Police

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E-mail: MDP-FOI-DP@mod.gov.uk

Our Ref: eCase: FOI 2023/15339

RFI: 257/2023

Date: 02 February 2024

Dear [REDACTED]

FREEDOM OF INFORMATION ACT 2000: MINISTRY OF DEFENCE POLICE:

We refer to your email dated 07 December 2023 to the Ministry of Defence Police (MDP) which was acknowledged on the 11 December 2023.

We are treating your email as a request for information in accordance with the Freedom of Information Act 2000 (FOIA 2000).

In your email you requested the following information:

- I have been made aware PSD are emailing staff directly challenging what is recorded on MYHR and what is logged on the individuals outlook so I would like to know what the policy is that covers them on completing this exercise? And what mandates Outlook being used instead of it just being best practice?
- MyHR is a tool that only Line managers and counter signing officers should be able to access to see personal data so who authorised access and what policy covers our personal information being shared that widely?
- I would also like to be made aware if PSD have access to our sickness data and other areas such as performance reporting.
- If individuals annual leave and working days are being questioned why is this not channelled through Line managers as per the MOD policy?
- I would also like to see a copy of the DPIA for this work strand please.
- I would also like to see the policy which outlines the remit of PSD in relation to non-uniformed civilian staff

A search for information has now been completed and I can confirm that we do hold information in scope of your request.

- **I have been made aware PSD are emailing staff directly challenging what is recorded on MYHR and what is logged on the individuals outlook so I would like to know what the policy is that covers them on completing this exercise? And what mandates Outlook being used instead of it just being best practice?**

Professional Standards Department (PSD) were tasked with gathering data in relation to attendance at Force Headquarters (HQ) in response to the Chief Constable's direction to all Force HQ staff for 60% office attendance. There is no MDP policy specifically for this task. It was simply to collate overall trends, for the Chief Constable, and contact was made with staff where discrepancies were identified.

By collating overall trends in attendance data, the Chief Constable can provide assurance to the Cabinet Office that we are meeting their direction to all civil service for 60% office attendance, when it comes into force.

Shared calendars, such as Outlook, are a valuable tool for effective collaborative working and users must manage their calendars in line with "Using electronic calendars," Joint Service Publication (JSP) 441 - Information, Knowledge, Digital and Data in Defence.

- **MyHR is a tool that only Line managers and counter signing officers should be able to access to see personal data so who authorised access and what policy covers our personal information being shared that widely?**

PSD did not access MyHR. They requested a copy of MOD data held in MyHR, from within MDP, to help assess attendance at Force HQ. This data was used for management purposes, to collate overall trends for the Chief Constable.

There is no MDP policy specifically for this task. In accordance with the *Statement of Civilian Personnel Policy – Accessing Personal Information*, the Department does not always need consent to use personal data. The Department can use it without consent if they have a valid reason. These reasons are known, under General Data Protection Regulation (GDPR) and in the Data Protection Act 2018, as a 'lawful basis', and there are six lawful bases organisations can use. The Department generally uses the public task basis. This allows the Department to perform a task in the public interest or for its official functions. An organisation may share personal information internally in the lawful exercise of any public tasks, functions, or powers, if it is a clear and foreseeable use of the information.

- **I would also like to be made aware if PSD have access to our sickness data and other areas such as performance reporting.**

PSD do not have access to MyHR. No sickness data or performance reporting was shared or gathered as part of this exercise.

- **If individuals annual leave and working days are being questioned why is this not channelled through Line managers as per the MOD policy?**

It is not within the remit of PSD to question annual leave and working days for non-uniformed civilian staff. Contact was made with staff where attendance discrepancies were identified. Understandably, this gave rise to concerns that investigations were taking place, but assurances have been provided that this is not the case.

Going forward, PSD will approach Line Manager's rather than staff directly, to provide an explanation of attendance and absences, if required. This is in accordance with the appropriate MDP process for non-uniformed civilian staff and Force Data Protection Officer recommendations.

- **I would also like to see a copy of the DPIA for this work strand please.**

There was not a Data Protection Impact Assessment (DPIA) for this work strand as it was to establish attendance at Force HQ in response to the Chief Constable's direction to all Force HQ staff for 60% office attendance. PSD have since been asked to produce a Terms of Reference (TOR) document, and a DPIA, in consultation with unions.

- **I would also like to see the policy which outlines the remit of PSD in relation to non-uniformed civilian staff**

It is not within the remit of PSD to investigate non-uniformed civilian staff. Professional Standards Department (PSD) were tasked with gathering data in relation to attendance at Force Headquarters (HQ) in response to the Chief Constable's direction to all Force HQ staff for 60% office attendance. This data was used for management purposes only, to collate overall trends for the Chief Constable, and contact was made with staff where discrepancies were identified. Understandably, this gave rise to concerns that investigations were taking place, but assurances have been provided that this is not the case.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk).

Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

MDP Secretariat and Freedom of Information Office