

17th April 2020

Freedom of Information Request – Reference No:20200910

REQUEST

I would like to ask about the arrests made by SYP of [REDACTED] on the morning of 17th November, 2016, Rustlings Road, Sheffield.

My request for information is this.

Can you CONFIRM if [REDACTED] were arrested under the legislation of Section 241 of the Trades Union Act, 1992?

RESPONSE

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities.

Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in a request is held.

The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon Section 17 of FOIA requires that we provide the applicant with a notice which:

- a) states that fact
- b) specifies the exemption(s) in question and
- c) states (if that would not otherwise be apparent) why the exemption applies.

South Yorkshire Police can neither confirm nor deny that it holds information relevant to your request as the duty in section 1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions.

Section 40(5) Personal Information:

This is an absolute exemption and therefore a Public Interest Test is not relevant.

However, for clarity **if** records were held that contained the personal information required, it would be a breach of the Data Protection Act 1998 to provide those details to a third party (i.e. not the person involved) without permission of any individuals concerned.

Section 31(3) Law Enforcement

Section 31 is a prejudice based qualified exemption and there is a requirement to articulate the prejudice (harm) confirming or denying information exists as well as considering the public interest.

Overall Harm

It is important to stress that disclosures under the Freedom of Information Act are disclosures to the world, not just to the individual making the request, and such responses may be published on a public facing disclosure log. Disclosing full details of Arrests and Offences, could be viewed by those involved as a breach in confidentiality. This could

jeopardise the work done within communities to increase the public's confidence in reporting and giving assistance to the Force.

Disclosing the information could lead to more crimes being committed which would impact on police resources and place individuals at risk – including those reporting incidents, victims, witnesses etc., who may be 'recognised' or indeed, mis-identified by a disclosure.

Section 31 – Factors favouring confirmation or denial for S31

- Members of the public would be confident that any reports made to South Yorkshire Police are being dealt with.
- Better public awareness of incidents may lead to more information from the public

Section 31 – Factors against confirmation or denial for S31

- Members of the public will not report incidents to the Police for fear of confidentiality
- Damage to the Force's ability to prevent and detect crime if they are not aware what is ongoing in the community.

Balance

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The reduction and detection of crime is of paramount importance and the Police service will not divulge whether information is or is not held if to do so would compromise law enforcement.

It is therefore our opinion that for these issues the balancing test for confirming or denying that information is held, is not made out.

Of course no inference can be drawn from these facts that any information does or does not exist.

In accordance with Section 16 of the Freedom of Information Act – my duty to provide advice and assistance - you may find the following web link of use. The website routinely provides crime data, by various categories, down to street level.

<http://www.police.uk>