

27th October 2020

Freedom of Information Request - Reference No: 20202233

BACKGROUND

I notice that a FOIR relating to this matter has previously been made by a Mr XXX and that SYP has refused to provide a proper response. This gives the appearance of illegitimate withholding of information to protect the reputation of a Police Force and of a senior Police Officer who may have lied. Clearly this is unacceptable. I therefore make a similar request in the full expectation that it is honestly answered, in the spirit of the Law and the ethos of SYP. I would think that the Information Commissioner would be unhappy if SYP again refuses to provide information on spurious grounds.

I set out the background and my request below.

In March 2018 Assistant Chief Constable Hartley was interviewed by xxxx on Radio Sheffield, he stated

“So here’s the key facts around this. There is qualified offenses against SIA and Amey Staff. Bones have been broken. Assaults have taken place. Been thoroughly investigated.”

A very similar statement was reiterated in no uncertain terms in paragraph 6.1 of the ‘Policing Sheffield’s Trees Protest’ report produced by the Advisory Panel on Policing Protests, commissioned by South Yorkshire Police and Crime Commissioner’s office.

I am seeking to ascertain both the provenance of this allegation and the statement referring to it by ACC Hartley and also the subsequent quote in the report referred to above.

It is significant that Amey Hallam Highways (Streets Ahead - a 'partner' of SYP) made no HSE Report concerning the 'injury'.

My information requests:

REQUEST

Please provide any and all remaining information relating to the above statement made by ACC Hartley, including any briefings given to that Officer, and subsequently referred to in 6.1 of the report commissioned by SYPCC.

Specifically-

1a. What was origin/provenance of the allegation quoted above referring to bone fracture(s)?;

1b. When was the allegation referred to above reported to SYP?;

1c. What was the date of the alleged incident?;

1d. What date was a fracture diagnosed by a medically competent person and was SYP in receipt of any such diagnosis?

2. What evaluation process was engaged to establish the veracity of this allegation prior to being quoted as fact by both ACC Hartley and in the report commissioned by SYPCC?

3a. Was an investigation pursued by SYP relating to this specific allegation?

3b. What was the outcome of any investigation carried out regarding this specific allegation by SYP? Were any charges considered or made?

4. What, if any, further information around the alleged fracture(s) was sought or obtained whilst preparing the report ‘Policing Sheffield’s Tree Protests’ (Para 6.1) published by SYPCC in June 2018.

RESPONSE

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire Police, when refusing to provide such information (because the information is exempt), to provide you the applicant with a notice which:

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

The exemption applicable to your request falls under Section 21.

Section 21 - Information which is reasonably accessible to the applicant.

<https://southyorkshire-pcc.gov.uk/app/uploads/2018/10/Policing-Sheffield-Trees-Protests.pdf>

Section 40 (2) – Personal Information

This is an absolute exemption and therefore a Public Interest Test is not relevant. However, for clarity, I will explain my rationale for engaging this exemption.

Section 40(2) provides that information is exempt if it is the personal data of someone other than the applicant and disclosure would breach any of the data protection principles. The term 'personal data' means data that relates to a living individual who can be identified. This may take an obvious form of 'personal information' such as a name but can also include information which, if aggregated, can pinpoint an individual. Information disclosed under the Freedom of Information Act is disclosed into the public domain, effectively to the world, not just to one individual.

With this in mind, whilst not explicitly naming individuals, the effect of a disclosure of Arrest data relating to such a specific incident may lead to identification.

However for guidance I have provided the following detail that

- a) doesn't trigger a Section 40 exemption and
- b) provides guidance.

1a. What was origin/provenance of the allegation quoted above referring to bone fracture(s)?;

Section 21 - Detail readily available on the PCC report section 6.1 – The individual was a member of Amey Security Team (see above link)

SYP - The individual involved attended hospital and informed SYP of a fracture.

1b. When was the allegation referred to above reported to SYP?;

Section 21 - Detail readily available on the PCC report section 6.1 – (see above link)

SYP - SYP were present on the date of this incident.

1c. What was the date of the alleged incident?;

Section 21 - Detail readily available on the PCC report section 6.1 -(see above link)

1d. What date was a fracture diagnosed by a medically competent person and was SYP in receipt of any such diagnosis?

SYP - The individual involved attended hospital, and was examined by a medical professional. Medical information was obtained by SYP.

2. What evaluation process was engaged to establish the veracity of this allegation prior to being quoted as fact by both ACC Hartley and in the report commissioned by SYPCC?

3a. Was an investigation pursued by SYP relating to this specific allegation?

3b. What was the outcome of any investigation carried out regarding this specific allegation by SYP? Were any charges considered or made?

Section 21 – On our Disclosure log, details on FOI 20201670 give details of arrests and detail an incident created into this specific subject to deal with allegations of assault on 22.1.20 (see below link and “for offer statement issued 12 Feb 2018”)

<https://www.southyorkshire.police.uk/find-out/right-to-information/categories-of-significant-interest/freedom-of-information-requests-op-quito-op-testate/op-quito-media-releases-arrests-ref-20191670/>

Further from SYP - An Investigation was conducted.

4. What, if any, further information around the alleged fracture(s) was sought or obtained whilst preparing the report ‘Policing Sheffield’s Tree Protests’ (Para 6.1) published by SYPCC in June 2018.

Preparation information of the PCC report should be requested from the PCC.