

24<sup>th</sup> March 2021

## **Freedom of Information Request – Reference No:20210457**

### **REQUEST**

I would like to submit an FOI request on upskirting, which was made a specific offence under the Voyeurism Act and came into force on April 12 2019.

1. In the year January 1 2020 to December 31 2020 (or the nearest date to this point for which data is available), please could you tell me the number of allegations of upskirting reported to police?
2. Where possible, please break down the date of when the incident was alleged (month is fine).
3. Where possible, please state the details of allegation (basic details such as what is alleged to have happened, the age and sex of the alleged victim, where known).
4. Where possible, please state whether the allegation ever formed some part of a criminal charge (and, where possible, details of any prosecution).

### **RESPONSE**

I approached our Crime Management Data Returns Administrator for assistance with your request. The Connect System is used to record complaints or allegations of those matters, which the Home Office specify should be recorded as 'crimes'.

I can confirm that South Yorkshire Police holds information relating to the criteria of your request, but I am not prepared to disclose this to you in full.

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 following exemption applies to the disclosure of the information:

#### **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 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. Information disclosed under the Freedom of Information Act is disclosed into the public domain, effectively to the world, not just to one individual.

Due to the low numbers involved and timescale it would be unfair to disclose all this information under the Freedom of Information Act, as it would effectively be releasing it to

the world and this would breach the right to privacy afforded to persons under the Data Protection Act 2018

With this in mind, I am prepared to disclose as much detail as possible without triggering the above exemption.

The attached spreadsheet shows a count of the specified offences recorded for CONNECT Crime between 01 January 2020 – 31 December 2020, and a breakdown of the offence outcome and gender of the victim.