

1st September 2022

**Freedom of Information Request - Reference No: 20221753**

**REQUEST**

*Please can you provide data on the following:*

*1) The number of police officers that have been investigated for their conduct in text messages, on WhatsApp and/or other social media sites in the calendar years of 2017, 2018, 2019, 2020, 2021 and available information for 2022.*

*2) For each recorded case can you provide details of the incidents that led to formal and informal sanctions, and the outcome of that action please.*

**RESPONSE**

South Yorkshire Police holds the information you have requested however I am unable to supply that information 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(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. A Freedom of Information request is not just published to the requestor, but also to the world as well.

Although not explicitly naming individuals, the cumulative effect of releasing this level of data which by its very nature will give very exact and personal descriptions of the people involved would be likely to lead to the identification of those involved. This would be breaching the right to privacy afforded to persons under the Data Protection Act 1998.

**Section 31(1)(g) by virtue of Section 31(2)(b) - Law Enforcement**

31(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to prejudice- (g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2).

(2)(b) the purpose of ascertaining whether any person is responsible for any conduct which is improper

### **HARM**

As previously said, it is important to state that a response to a Freedom of Information request is not just published to the requestor, but also to the world as well, by its possible publication on the forces disclosure log. Therefore, any material provided within a response could be potentially viewed by anyone who wished to see it.

It would be harmful for the release of full information into the public domain of cases relating to misconduct of employees. Cases may still be ongoing and the release of such detail at this stage would compromise such investigations and the right for a fair and transparent hearing. It is unclear what such a disclosure through a Freedom of Information request would have on any such proceedings.

### **PUBLIC INTEREST TEST**

#### **Section 31 – Favouring non- Disclosure**

- Misconduct allegations may still currently be open and ongoing, and the disclosure of allegations into the public domain may mean an investigation is prejudiced.
- Any disclosure of information relating to an ongoing investigation would compromise the right for an individual to have a fair hearing and more importantly the rights of a complainant
- The disclosure of information may undermine any investigation

#### **Section 31 – Favouring Disclosure**

- The public would have a better understanding of the circumstances surrounding police complaints and the use of public funds to investigate such allegations.
- Some investigations may be closed and all proceeding around the allegations will have been completed.

### **Balancing Test**

I am of the opinion that the strongest reason for withholding information is that any ongoing investigations could be compromised by releasing all information pertinent to your request. This has to be set against the strongest reason for the disclosure of information which in my opinion, is that specific cases have already been closed.

I have carefully considered your request for information. The key test when considering the public interest is to establish whether in all the circumstances of the request, the public interest in disclosing the information is not outweighed by that in maintaining the exemption

I am of the opinion that there are a number of reasons for withholding information. Due to the relatively recent time parameters, investigations and enquiries may still be continuing. Also investigations and enquiries may be compromised by releasing all information pertinent to your request. The police force will not divulge any type information that would compromise law enforcement or ongoing investigations or place at risk members of the public or officers.

As we have already stated, a Freedom of Information request is not just a release to the person making the request, but also to the world. It cannot be clear at present

what effect disclosures made by a Freedom of Information response may have upon such enquiries.

With this in mind, I am prepared to disclose some details on uncorrelated tables without triggering any of the above exemptions.

Professional Standards have provided the following data:

Year	Details
2018	Posted offensive comments on Twitter seen by members of the public
2018	Text message sent to third party - threatening and menacing.
2018	Unprofessional, suggestive and sexualised conversation via Facebook.
2019	Inappropriate workplace comments on Whatsapp
2019	Shared footage via Whatsapp regarding training.
2020	Shared photos on Whatsapp containing personal information of members of the public and police incidents
2020	Posted on Facebook information containing private sensitive information.
2020	Whatsapp message sent purporting to be someone else
2020	Complaint a Twitter message had led to the identification of a member of the public
2021	Whatsapp message of police incidents sent to a third party.
2021	Photograph posted on social media which contained personal & sensitive data
2021	Message circulated on Whatsapp showing lack of care and attention of a police officer
2022	Posted inappropriate music on Instagram inappropriate for an officer

OUTCOME
Attended meeting and received management action
Management Action
Management Action
No Action
Officer Resigned
Officer Resigned
Officer Resigned
Officer Resigned
Received management action at a meeting
Reflective Practice
Reflective practice
Reflective practice
Reflective Practice

