

4<sup>th</sup> April 2018

Marcus Combie

[request-466968-f04a5643@whatdotheyknow.com](mailto:request-466968-f04a5643@whatdotheyknow.com)

Dear Marcus Combie

**Freedom of Information Request - Reference No: 20180371**

**REQUEST**

*On 23rd February 2018 Assistant Chief Constable David Hartley appeared on Radio Sheffield with Toby Foster. Regarding this appearance on the radio show, please provide the following:*

- 1. A copy of the initial outreach communication record by either Radio Sheffield or SYP and the other parties response in organizing and co-ordinating this booking. Please then provide the rest of the communications records related to this appearance.*
- 2. Please provide any records, documents and information supplied to Assistant Chief Constable David Hartley in preparation for the appearance on Radio Sheffield as listed in item 1 above;*
- 3. Please provide a copy of any records between Assistant Chief Constable David Hartley, or any other relevant party that have fed information back to Assistant Chief Constable David Hartley regarding tree felling works with Amey and or Sheffield City Council from December 2017 through to the present (at minimum 24th February).*

*Additionally, regarding the release of a statement published by Assistant Chief Constable David Hartley on the SYP website and facebook:*

*In the opening paragraph the statement reads as:*

*"Following the announcement from Amey Plc that tree felling in Sheffield will begin in the coming days, Assistant Chief Constable David Hartley explains why there will be a higher level of police presence at the sites."*

- 4. Please provide the date and any records from Amey or Sheffield City Council where SYP were informed "tree felling in Sheffield will begin in the coming days"*

*"and maintain our approach of meeting all parties involved to explain our role and thresholds for action."*

- 5. In response to FOI 20180109 SYP police stated there had been one non-minuted meeting between SYP and or Amey to discuss the removal of protestors by force. Please provide dates of ALL meetings between SYP and Amey and or Sheffield City Council. Between December 2017 through to the present (at minimum 24th February).*

- 6. Any and all agendas and records for any meetings between SYP and Amey and or Sheffield City Council as listed in item 5 above;*

- 6.1 Any and all notes and records from any meetings between SYP and Amey and or Sheffield City Council as listed in item 5 above;*

- 6.2 Any and all presentations and records distributed, displayed, and/or otherwise disseminated between SYP and Amey and or Sheffield City Council as listed in item 5 above;*

- 6.3 Any and all feedback as a record from those in attendance on behalf of SYP to any other staff member within SYP as listed in item 5 above.*

## 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).

### **Section 22 (1) (a) (b) - Information Intended for Future Publication**

#### **PUBLIC INTEREST CONSIDERATIONS**

Information is exempt under S22(1)(a)(b) if the information is held by the Public Authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not). This is a class-based exemption and requires me to conduct a public interest test.

#### Considerations favouring disclosure

- Where public funds are being spent in respects to policing operations, there is public interest in transparency and justification.
- Disclosure would be seen as embracing an ethos of openness and accountability.
- Disclosure would provide information necessary for public comment and debate to take place in 'real-time'.

#### Considerations favouring non-disclosure

- The public will benefit from all of the facts being available at the same time, meaning the information will be in context, and more comprehensive.
- To release information in a piecemeal manner, will also cause disruption to the organisation by placing unwarranted stress on resources, both in terms of finance and manpower.
- Full disclosure now would disrupt the Publication Strategy, which is intended to provide the public with an accurate and comprehensive insight. Piecemeal disclosures may in damage the process and affect the strategic aims of the operation.

#### **Balancing test**

In balancing these factors, it is important to state that the publication strategy for Operation Quito was drafted prior to the date of the above request made to SYP.

The strategy states that Communications, Strategy & Policy, Decision Making, Finances, Staffing, Complaints etc will be provided at a date when all proceedings relating to the operation have been determined as been completed or figures finalised.

*"In the Commissioner's view, in order to engage section 22, a public authority must be able to show clearly which information within the scope of a request it intends to publish"*

[http://ico.org.uk/~media/documents/decisionnotices/2014/fs\\_50532986.ashx](http://ico.org.uk/~media/documents/decisionnotices/2014/fs_50532986.ashx)

It would not be beneficial at this stage to allocate resources to endeavour to collate answers to the above questions when the information is intended to be collated again in the future.

Therefore, at this time the balance lies firmly in waiting for when it is deemed appropriate to release figures that can be determined to be accurate and complete, as per the publication strategy.

The information you request falls within the scope of South Yorkshire Police's Publication Strategy. Please see the following link to the Publication Strategy for Operation Quito:

<https://www.southyorkshire.police.uk/find-out/right-to-information/foi/op-quito-publication-strategy/>

If you are unhappy with the way your request for information has been handled, you can request a review by following the advice contained in the separate notice enclosed with this correspondence:

If you remain dissatisfied with the handling of your request or complaint, you have a right to appeal to the Information Commissioner at:

The Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire, SK9 5AF.  
Telephone: 08456 306060 or 01625 545745  
Website: [www.ico.gov.uk](http://www.ico.gov.uk)

Yours sincerely

Louise Holmes  
Information Compliance Clerk  
South Yorkshire Police  
Performance and Governance  
Unit 20 Sheffield 35A Business Park  
Churchill Way  
Sheffield  
S35 2PY

Email - [foi@southyorks.police.uk](mailto:foi@southyorks.police.uk)

Please note that police forces in the United Kingdom are routinely required to provide information and statistics to government bodies and the recording criteria is set nationally. However, the systems used for recording these figures are not generic, nor are the procedures used locally in capturing the data. It should be noted that for these reasons this forces response to your questions should not be used for the comparison purposes with any other response you may receive.

South Yorkshire Police provides you the right to request a re-examination of your case under its review procedure (copy enclosed). If you decide to request such a review and having followed the Constabulary's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

The South Yorkshire Police in complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to The Force Solicitor, South Yorkshire Police, Police Headquarters, 5 Carbrook Hall Road, Sheffield, S9 2EG

### **Appeal Process for Freedom of Information**

Using this process will not affect your right to appeal directly to the Information Commissioner. However, it will usually be quicker if matters can be resolved locally using this process.

#### ***Who can appeal?***

Anyone who has requested information from the Force in writing can appeal within 20 working days. If you have requested information and you are not satisfied with the way we have dealt with your request, you can use the appeal process to have it looked at again. If someone who requested information would like to appeal but cannot do so themselves you can appeal on their behalf, but it will help us if you make it clear that you are doing so.

#### ***What can I appeal about?***

You can appeal about the range, amount and format of information we have sent following a request. You can also appeal about the way a request was handled – for example, the time it took to respond, or the way letters were worded.

#### ***How do I appeal?***

You can appeal by writing, emailing or faxing your appeal/complaint to the address below. To deal with your appeal as quickly as possible, it will help if you can give us as much information as you can about the request made, such as the reference number, and the reason for your appeal/ complaint.

#### ***What happens to my appeal?***

Once we have enough details to identify the request you are concerned about, a qualified person, other than the initial decision maker, will deal with the internal review.

#### ***How long does it take?***

Whatever their conclusion, you will be informed of the result as soon as possible, and in any case within 20 days of submitting your appeal.

If you are still not satisfied, you may then appeal to the Information Commissioner.

#### ***Appeal Address***

**Information Compliance Unit South Yorkshire Police Professional Standards  
Department Unit 20 Sheffield 35A Business Park Churchill Way Sheffield S35 2PY**

Email [foi@southyorks.pnn.police.uk](mailto:foi@southyorks.pnn.police.uk)