

24th October 2016

Martyn Howsam
request-359522-b6354c83@whatdotheyknow.com

Dear Mr Howsam

Freedom of Information Request - Reference No: 20161101

REQUEST

Please provide the subject line of all emails received by the Chief Constable between 14th Jul 2015 and 31 Jul 2015 Please provide the subject line of all emails sent by the Chief Constable between 14th Jul 2015 and 31 Jul 2015.

RESPONSE

I approached the Chief Constable's office for assistance with your request, the secretary to the former Chief Constable carried out a search of all emails and was able to provide a full list of the subject lines of all emails sent and received by / to the Chief Constable within the date parameters of your request.

I have reviewed each subject line and can I advise that I am prepared to disclose the subject lines of all emails with the exemption of one. There are also some names, dates and locations held within the subject lines in a handful of emails which I have also redacted.

Please find a list of the subject lines of the sent and received emails in the attached document.

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire Police, when refusing to provide some 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 exemptions apply to the disclosure of some of the information:

**Section 40(2) Personal Information
Section 31(1)(a)(b) Law Enforcement**

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. Having reviewed the subject titles of all the emails, some contain the names of individuals, dates, locations and in some instances, specific actions associated with that individual.

Disclosing this level of personal detail would be breaching the Data Protection Act and infringe the first Data Protection Principle, in that it would be 'unfair' and thus unlawful.

Section 31(1)(a)(b) Law Enforcement

Section 31 is a prejudice based qualified exemption and there is a requirement to articulate the prejudice (harm) in full disclosure as well as considering the public interest.

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. Confirming specific details relating to crimes, investigations and operations even within the title of an email could jeopardise or undermine the activities of the police force alerting criminals to a certain focus of police activity.

Disclosing even a hint of the force's interest in a subject in connection with other words could also be misinterpreted as the title is being viewed in isolation of any context contained with the email itself.

Public Interest Test

Factors favouring Disclosure

- By publishing details of specific issues, events, incidents and operations indicated in the Chief Constable's correspondence could give the public confidence that these are being reviewed at the highest level of the police force.
- Information disclosed of this nature could also give the public an understanding of where public funds are being spent and in which areas.
- Better public awareness may reduce crime or lead to more information from the public.

Factors against Disclosure

- Accountability and Use of Public Funds: There is a legitimate public interest in knowing that the force fulfils its policing functions effectively and efficiently in dealing with crime.
- Public Awareness and Debate: Provision of this data would reassure the public that South Yorkshire Police is actively policing certain types of crimes and that safety of communities is paramount.

Balancing Test

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Although I am fully aware of the need for Public Authorities to demonstrate a level of openness and transparency, I am of the opinion that protecting our operational capability is a more compelling argument. South Yorkshire Police cannot risk compromising the ability of Officers to effectively carry out law enforcement and protect the public from those engaged in criminal activity.

However, as mentioned above, I am prepared to disclose all subtitles of emails sent to and from the Chief Constable with the exemption of one whole subtitle and elements of others based on the exemptions above.

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

Yours sincerely

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

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 from the date of the response provided. 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