

23rd February 2021

Ben Edward

request-725890-4171a1bf@whatdotheyknow.com

Dear Ben Edward

Freedom of Information Request – Reference No:20210327

REQUEST

I have a request to make about visits which South Yorkshire Police Rural and Wildlife Crime Unit may have made to four different estates whose land entirely or partially lies South Yorkshire. Can you please answer the following:

How many times have the South Yorkshire Police Rural and Wildlife Crime Unit visited the Rockley Estate?

Where on the Rockley Estate did South Yorkshire Police Rural and Wildlife Crime Unit visit?

Please state the reason for each visit made to the Rockley Estate by South Yorkshire Police Rural and Wildlife Crime Unit?

How many times have the South Yorkshire Police Rural and Wildlife Crime Unit visited the Wortley Estate?

Where on the Wortley Estate did South Yorkshire Police Rural and Wildlife Crime Unit visit?

Please state the reason for each visit made to the Wortley Estate by South Yorkshire Police Rural and Wildlife Crime Unit?

How many times have the South Yorkshire Police Rural and Wildlife Crime Unit visited the Wharnccliffe Estate?

Where on the Wharnccliffe Estate did South Yorkshire Police Rural and Wildlife Crime Unit visit?

Please state the reason for each visit made to the Wharnccliffe Estate by South Yorkshire Police Rural and Wildlife Crime Unit?

How many times have the South Yorkshire Police Rural and Wildlife Crime Unit visited the Moscar Estate?

Where on the Moscar Estate did South Yorkshire Police Rural and Wildlife Crime Unit visit?

Please state the reason for each visit made to the Moscar Estate by South Yorkshire Police Rural and Wildlife Crime Unit?

RESPONSE

I contacted our Force Lead for Wildlife Crime for assistance with your request. They have advised that a dedicated Wildlife Crime Team was newly formed and established in September 2020.

However, Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon Section 17 of FOIA requires that we provide the applicant with a notice which: a) states that fact b) specifies the exemption(s) in question and c) states (if that would not otherwise be apparent) why the exemption applies.

South Yorkshire Police can neither confirm nor deny that it holds information relevant to your request as the duty in section 1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions.

Section 40(5) 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.

With this in mind, whilst not explicitly naming individuals, the cumulative effect of a full disclosure i.e. location, address, or reason, would present the very real possibility of individuals involved being identified.

Section 31(3) Law Enforcement

Section 31 is a prejudice based qualified exemption and there is a requirement to articulate the prejudice (harm) confirming or denying information exists as well as considering the public interest.

Overall 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, and such responses may be published on a public facing disclosure log. Disclosing full details of incidents at a specific locations if held, could be viewed by those in the area living or involved as a breach in confidentiality. This could jeopardise the work done within communities to increase the public's confidence in reporting and giving assistance to the Force.

Disclosing information could lead to more crimes being committed which would impact on police resources and place individuals at risk – including those reporting incidents, victims, witnesses etc., who may be 'recognised' or indeed, mis-identified by a disclosure.

Public Interest Test

Section 31 – Factors favouring confirmation or denial for S31

- Members of the public would be confident that any reports made to South Yorkshire Police are being attended and dealt with.

- Better public awareness of incidents may lead to more information from the public

Section 31 – Factors against confirmation or denial for S31

- Members of the public will not report incidents to the Police for fear of confidentiality
- Damage to the Force's ability to prevent and detect crime if they are not aware what is on going in the community.

On Balance

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The reduction and detection of crime is of paramount importance and the Police service will not divulge whether information is or is not held if to do so would compromise law enforcement.

It is therefore our opinion that for these issues the balancing test for confirming or denying that information is held, is not made out.

Of course no inference can be drawn from these facts that any information does or does not exist.

In accordance with Section 16 of the Freedom of Information Act – my duty to provide advice and assistance - you may find the following web link of use. The website routinely provides crime data, by various categories, down to street level.

<https://www.police.uk/>

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

Jane Adamson
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