

4th July 2013

Dan Phillips

request-166992-32749d70@whatdotheyknow.com

Dear Mr Phillips

Freedom of Information Request - Reference No: 20130536

REQUEST

I would like to make a Freedom of Information request relating to birds of prey and wildlife crimes. I have broken the request down into several parts for ease of reply. I'm happy to accept your information in whichever format is most convenient.

1. How many incidents of wildlife crimes or suspected crimes have there been in your force area each year for years 2008-12.
2. How many have there been to date this year?
3. What forms have these recorded incidents taken, ie how many have involved poisonings, shootings and egg disturbances?
4. What species have been involved in each incident?
5. How many cases have been referred to prosecution in each year?

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 12(1) – Exemption where cost of compliance exceeds appropriate limit

I contacted our System Administrator for South Yorkshire Polices Incident Management System (IMS) for the years requested above. When a matter is initially reported, an entry is made on the IMS. This system records the majority of matters requiring the specific deployment of police resources, whether reported by members of the public or 'happened upon' by officers and staff in the course of their duties. Our administrator has advised that for the dates specified there have been 664 incidents created with the title of "wildlife", but the further detailed data requested as per Questions 3-4 is not held in specific fields.

In order to answer questions 3 and 4 of your request it would require each incident opening and manually reviewing to locate, extract and retrieve information relating to:

- **What forms have these recorded incidents taken, i.e. how many have involved poisonings, shootings and egg disturbances?**
- **What species have been involved in each incident**
- **If the incident related to a crime or suspected crime**

It has been estimated that at a conservative estimate of taking 5 minutes to review every incident this would amount to over 50 hours of work.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 provide that the cost limit for non central government public authorities is £450. This must be calculated at the rate of £25 per hour, providing an effective time limit of 18 hours. . If you feel your endeavours can be achieved within the appropriate limit by refining your request, South Yorkshire Police would be more than happy to consider any further request.

As per Section 16 of the Freedom of Information Act-duty to assist, I also approached our business expert responsible for South Yorkshire Polices Crime Management System (CMS) to research any relevant data. This system is used to record complaints or allegations of those matters which the Home Office specifies should be recorded as 'crimes'. Our business expert has advised the only crime recordable offences under the Wildlife and Countryside Act 1981 are -

- *Offences relating to the introduction of new species*
- *Falsely pretending to be a wildlife inspector with intent to deceive*
- *Carrying out or causing to permit to be carried out any operation likely to damage part of an area of special scientific interest subject to notification by Nature Conservancy Council*
- *Removing or disturbing limestone on designated land*

A search of the (CMS) for the above offences has been conducted, and there are no offences recorded for the dates specified.

Guidance from the Information Commissioner to public authorities is that where one part of a request is reasonably estimated to exceed the appropriate limit then the authority is not obliged to consider or comply with the remainder of the request up to the point at which the appropriate limit has been reached. Please note point 30 of the below link:-

http://www.ico.gov.uk/for_organisations/guidance_index/~/_media/documents/library/Freedom_of_Information/Detailed_specialist_guides/costs_of_compliance_exceeds_appropriate_limit.ashx

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

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

Email - 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. 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