

8th February 2018

Freedom of Information Request – Reference No:20180072

REQUEST

Can we please have the amount of crimes logged as a murder or homicide from 1 January 2017 to December 31 2017?

For each offence, can we please have the date of the offence, the street (or street postcode) in which it took place, and the sex, age and ethnicity of the victim. And the sex, age and ethnicity of any person charged with murder. Can we please have each offence broken down individually?

So, for example, the ideal response for each individual crime would look something like:

1: JANUARY 1 2017, WHITE BRITISH MALE, 23, MURDER IN ELM STREET (POSTCODE). WHITE FEMALE, 26, CHARGED WITH MURDER.

2: FEBRUARY 2 2017, BLACK AFRICAN MALE, 47, MURDER IN ALBERT GROVE (POSTCODE) BLACK OTHER, 45, CHARGED WITH MURDER.

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.

The following exemptions apply to the disclosure of the information:

Section 40(2) Personal Information.

Section 30(1)(a) Investigations and Proceedings conducted by the Local Authority

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. Information disclosed under the Freedom of Information Act is disclosed into the public domain, effectively to the world, not just to one individual.

Although some of this information may already be in the public domain via the media while not explicitly naming individuals, the cumulative effect of a full disclosure of incidents ie date, gender, age and location of an incident 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 30(1)(a) Investigations and Proceedings conducted by the Local Authority

HARM

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 the response could be potentially viewed by anyone who wished to see it.

Any release of such sensitive information that may be involved in continuing investigations could compromise any further lines of enquiry and the integrity of the investigation.

PUBLIC INTEREST TEST

Section 30 – Favouring non- Disclosure

- Any current and/or future investigations could be compromised, by the release into the wider public domain of details concerning individuals involved.
- Individuals may be reluctant to come forward and provide information if they believe that details relating to the investigation could be released, via an FOI request, whilst an enquiry is ongoing.
- Any disclosure of information relating to an ongoing investigation would compromise the right for any individual(s) identified from such an investigation to have a fair hearing, and more importantly the rights of a complainant(s) for a resolution

Section 30 – Favouring disclosure

- The public would have a better understanding of how investigations are conducted by South Yorkshire Police and the public funds used to investigate such cases.
- The publishing of information into the public domain, could lead to more people coming forward with information in respect to incidents in their community

Balancing Test

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 the strongest reason for withholding information is that due to the relatively recent time parameters, investigations and enquiries may still be continuing. These may be compromised by releasing material pertinent to your request.

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 as much detail as possible without compromising the identity of anyone involved. Please see the attached spreadsheet I have compiled with the data supplied to me.