

18th April 2019

Freedom of Information Request – Reference No:20190526

REQUEST

1. ***Has the force adopted/ put in practice the national position around the sharing of information with Immigration Enforcement about victims or witnesses of crime who are identified as being in the UK illegally, ratified through Chief Constables Council on the 3rd October 2018? (<https://news.npcc.police.uk/releases/new-guidance-for-officers-on-sharing-information-with-immigration-enforcement>)***
2. ***Does the force have an Information Sharing Agreement or a similar arrangement with Immigration Enforcement? If so, does the said agreement allow for the data of victims or witnesses of a crime with insecure/ illegal migration status to be passed on to Immigration Enforcement? Can I see a copy?***
3. ***Has the force shared the immigration status of anyone presenting as a victim or witness of any crime with the Home Office / Immigration Enforcement between the date of receipt of this request (01/03/2019) and 3/10/2018. If so, how many?***
4. ***Has the force shared the immigration status of anyone presenting as a domestic abuse victim or domestic abuse witness with the Home Office/ Immigration Enforcement between the date of receipt of this request (01/03/2019) and 3/10/2018. If so, how many?***
5. ***Has the force shared the immigration status of anyone presenting as a domestic abuse victim or domestic abuse witness with the Home Office / Immigration Enforcement between the date of receipt of this request (01/03/2019) and 01/01/2018. If so, how many?***

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 exemption applies to the disclosure of the information:

Section 12 – Exemption where cost of compliance exceeds appropriate limit

In respect of Q3,4 & 5

The Criminal Justice Unit has advised:

No records are specifically kept, this would require reference to each crime report and would be beyond 18 hour rule.

PVP Unit also advised:

We wouldn't track referrals against crime types

In essence, we would have to review and manually check all crime reports for the time period to check which hold information that meets the criteria of your request; this process would take much longer than 18 hours' 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.

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:-

https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf

Although excess cost removes the force's obligations under the Freedom of Information Act, as a gesture of goodwill, I have supplied information, relative to your request, retrieved or available before it was realised that the fees limit would be exceeded. I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request neither does it bind South Yorkshire Police to any commitment that it will release information in such a manner in the future .

I approached the Criminal Justice Department for assistance with your request. They were able to provide the following to assist for Q1:

Q1- Yes, the policy is adopted.

The link you provided directs to the NPCC website and contains information regarding the national position and quotes from the National Policing Lead, confirming forces will be amending their local policies in accordance with this national stance.