

12th June 2019

Freedom of Information Request – Reference No:20191272

REQUEST

Please could you advise how many officers were either suspended from the force or on restricted duties on 28th May, 2019?

Can I ask that for 'restricted duties' the response only includes officers in this position because of professional standards and not any injuries etc.

If possible within the statutory time limit for responding to a request could you please detail the salary of each officer either on restricted duties or suspended?

Could you also please state the reason, if possible within the time limit, for their suspension or placement on restricted duties.

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 31(1)(g) - Law Enforcement by virtue of

Section 31(2)(b) likely to prejudice the purpose of ascertaining whether any person is responsible for any misconduct which is improper

Section 38(1) Health and Safety

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. Releasing this information may lead to the identification of those involved. This would be breaching the right to privacy afforded to persons under the Data Protection Act 1998.

Overall Harm

It is important to stress that when a disclosure is made under the Freedom of Information Act, it is a disclosure to the world and not to a single individual. In view of this, we may

publish information released under the Freedom of Information Act on our website in order that any member of the public who may wish to view the information can have access to it. Releasing information that is held is likely to indicate those forces where officers or staff are facing disciplinary action. This in turn may have the impact of undermining on-going investigations or prosecutions.

Section 31- Factors Favouring Disclosure

- The public would have a better understanding of the circumstances surrounding police complaints and the use of public funds to investigate such allegations.
- Disclosure would demonstrate SYPs commitment to transparency and openness

Section 31- Factors Favouring Non Disclosure

- Any disclosure of information relating to an ongoing investigation would compromise the right for an individual to have a fair hearing and more importantly the rights of a complainant for a resolution
- If allegations are still being investigated, the disclosure of such information into the public domain may mean the investigation is prejudiced.

Section 38- Factors Favouring Disclosure

- The public would have a better understanding of how investigations are conducted
- Disclosure would lead to a better awareness for the community in relation to this topic, and more people may be prepared to come forward with further information.

Section 38- Factors Favouring Non-Disclosure

- Distress may be caused to any individual involved by the release of material into the wider public domain.
- Release of information could lead to the loss of public confidence in South Yorkshire Police ability to protect the wellbeing of their staff and community.

Balance

The principle of the Freedom of Information Act 2000 is to make public bodies more open and accountable and to help people to understand how public authorities carry out their duties. This must be balanced with the fact that we cannot take into account 'who' a requestor is. A response under Freedom of Information is essentially a response to the world as questions and responses are routinely published on our website.

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 releasing any information that may be held, could well affect any ongoing investigations, identify the individuals involved and caused distress at this present time. This, in my opinion is a more compelling argument and therefore, at this moment in time, it is my opinion we will not be releasing the information.