

11th November 2019

Freedom of Information Request – Reference No:20192536

REQUEST

Could you please provide the following information for 1 January 2018 to 31 December 2018 and separately for 1 January 2017 to 31 December 2017?

- 1. How many requests have been made to your force under the Domestic Violence Disclosure Scheme (DVDS) otherwise known as "Clare's Law"?*

- 2. Can you please provide the overall total number of requests separately for each of the two years and if possible, broken down by the gender of the person the information is potentially being disclosed to / shared with (female, male, other, unknown). (The person for whose benefit the request was made, rather than the person who actually submitted the request)>*

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

I approached our Strategic Governance Unit, an Inspector in the unit has provided this background information to assist:

"We record Clare's Law as non-crime investigations and the person making the request, the person at risk and the subject posing the risk are therefore recorded as 'involved parties' Hence, any data run would show the gender of the involved parties but not the role they play in the disclosure – without going into each one manually to determine whether they were the requester and/or person and risk and the subject"

Therefore to retrieve elements of information for this request would involve a manual search of each record to retrieve and extract the gender element to meet the criteria of your request, this process would take much longer than 18hrs works allowed by the FOI Act.

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 had approached our Strategic Governance Unit for assistance with this request. A Review Officer within the team has provided me with the below detail:

With regards to Clare's Law:

Number of requests:

2017: 65 Right To Ask

2018: 114 Right To Ask

Not all of these were provided with a disclosure.

I have only provided the number of Right To Ask requests. Clares Law also has Right to Know where there is significant concerns about the victim, the police can disclose to prevent the person from harm. But these are not requests.

This is definition of the two types.

RIGHT TO ASK

This is where a person at risk makes a direct application to the police for information about the previous violent behaviour of the subject. The person at risk may make contact by any of the following means: attending at police station in person; approaching a police officer/staff member in the street; direct contact as part of a police investigation; direct phone call to the police.

RIGHT TO KNOW

This is where police receive indirect information arising from either of the following:

1. an investigation into a criminal act or a report of an incident where, as part of the investigation, the police have significant concerns about the victim and are of the view that consideration of a disclosure to the person at risk may be necessary to prevent them from harm;
2. information on alleged violent offending by the subject that is received from partner agencies/intelligence/police checks carried out as part of safeguarding procedures/information gained as a result of police investigations in relation to an unconnected incident.

This will also include where, as a result of investigations/attendance at incidents, the attending officer considers that there is a right to know issue and that the information they have come across requires further investigation with a view to a possible disclosure to the person at risk.