

25th January 2021

Freedom of Information Request - Reference No: 20210005

REQUEST

Please note that this Request refers to any information relating to both SYP Operations 'Testate' and Quito'

A previous FOI (20202233) sought information relating to an alleged injury said to have been sustained by a member of Servoco Security SIA staff during public opposition to tree felling activity by Amey companies. This was partially answered. However, certain key facts requested were not disclosed without legitimate reason. I quote from the previous SYP response:

1a. What was origin/provenance of the allegation quoted above referring to bone fracture(s)?;

Section 21 - Detail readily available on the PCC report section 6.1 – The individual was a member of Amey Security Team (see above link)

SYP - The individual involved attended hospital and informed SYP of a fracture.

1d. What date was a fracture diagnosed by a medically competent person and was SYP in receipt of any such diagnosis?

SYP - The individual involved attended hospital, and was examined by a medical professional. Medical information was obtained by SYP.

This FOIR.

With respect to the above, please provide the following information:

- 1. Which hospital did the individual attend and on what date?;**
- 2. On what date was SYP informed that there had been a fracture injury?;**
- 3. Please provide a (patient name and identification details redacted) copy of the cited 'medical evidence' that was 'obtained' by SYP;**
- 4. Please elaborate on the route taken by the aforementioned 'medical evidence' i.e. directly from the 'patient/victim', from the hospital referred to, or via another party such as the alleged victim's employer or a Council Officer;**
- 5. Please provide the explanation for there being no charge(s) arising from this alleged assault, despite the statement in the Op Quito material provided that the Police were present during the alleged incident?**

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 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. This may take an obvious form of 'personal information' such as a name but can also include information which, if aggregated, can pinpoint an individual. This request for personal data in the form of Medical evidence, injuries, specific hospital and dates, along with details already in the public domain, may potentially identify individuals involved and would breach data protection principles.

In respect of Q5 –

You may not be aware that Section 8 of the Freedom of Information Act concerns recorded information a public authority may hold. This question is seeking general comment and explanation which is not covered by the legislation. As such, this is not a valid request and it cannot be responded to under the FOI Act.

Therefore, in essence, this element of your request does not fulfil the criteria to be 'valid' as set out in Section 8 of the Freedom of Information Act (FOI) 2000.