

FREEDOM OF INFORMATION ACT 2000

SOUTH YORKSHIRE POLICE

DISCLOSURE OF DOCUMENTATION RELATING TO TREE FELLING IN SHEFFIELD

South Yorkshire Police (SYP) has received a significant number of requests for information under the Freedom of Information Act 2000 relating to SYP's activity and involvement in connection with the recent felling of trees in and around Sheffield.

The Freedom of Information Act provides the public with access to all recorded information held by public authorities (unless the information is exempt). In an attempt to be as open and transparent as possible, and negate the need for individuals to make requests for specific information, we have taken the decision to provide the public with access to all disclosable material by publishing the enclosed documentation in relation to the 'tree felling in Sheffield' within the provision of the FOI Act.

All areas of the organisation who were likely to hold any information in relation to this subject area were therefore approached for copies of all recorded information held. In accordance with 1(1)(a) of the Freedom of Information Act 2000, I can advise that South Yorkshire Police holds the following information in relation to this subject area:

Tactical Plan for Operation Testate (Sheffield Tree Felling)
Email communications in relation to the operation
Incident Reports in relation to the Tree Felling

We are able to disclose this documentation to you with the exception of some specific exemptions within the Act. Section 17 requires South Yorkshire Police, when refusing to provide some information (because the information is exempt), to provide notification 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 some information contained within the documentation:

Section 40 (2) – Personal Information **Section 31 - Law Enforcement**

Section 40 – Personal Information is an absolute exemption and therefore a Public Interest Test is not relevant. However for clarity, section 40(2) provides that information is exempt if it is the personal data of someone 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.

Section 31 Law Enforcement is a qualified and prejudice based exemption and therefore the legislators accept that there may be harm if released. The authority has to consider and describe the harm that would occur if a full disclosure of information were released.

HARM

The prevention and detection of crime is the foundation upon which policing is built and the police have a clear responsibility to prevent crime and arrest those responsible for committing crime. To do this the police require evidence, and that evidence can come from a number of sources and methods of policing.

Revealing information that specific tactics and intelligence is used in certain circumstances would help subjects avoid detection, and inhibit the prevention and detection of crime. This could lead to a real risk of identifying the resources available to individual departments to monitor individuals likely to be committing offences under their remit.

PUBLIC INTEREST TEST

The public interest test is assessed below. This considers and demonstrates whether or not it would be beneficial to the community to disclose the requested information.

Considerations favouring disclosure:

- **Accountability and Use of Public Funds:** There is a legitimate public interest in knowing that the force fulfils its policing functions effectively and efficiently in dealing with crime.
- **Public Awareness and Debate:** Provision of this data would reassure the public that South Yorkshire Police is actively policing certain types of crimes and that safety of communities is paramount.

Considerations favouring non-disclosure:

- **Impact on police resources:** Police resources and the Force's ability to operate effectively and efficiently, would be directly affected as tactical information can be manipulated by those with criminal intent allowing them to operate in those areas and this will ultimately lead to an increase in deployment in particular areas.

Balance

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Although we are aware of the need for Public Authorities to demonstrate a level of openness and transparency, we are of the opinion that protecting our operational capability is a more compelling argument. South Yorkshire Police cannot risk compromising the ability of Officers to effectively carry out law enforcement and protect the public from those engaged in criminal activity.

With the exception of information that falls within the above two exemptions (resulting in redactions where applicable), all recorded information held within South Yorkshire relating to this subject area follows.