

16th February 2021

**Freedom of Information Request - Reference No: 20210240**

**REQUEST**

*This is a request under the Freedom of Information Act.*

*For the calendar years 2018, 2019 and 2020 and the period 1<sup>st</sup> January 2021 to 28<sup>th</sup> January 2021, please could you provide the following information:*

- 1) *The number of people aged under 18 who were arrested for firearm offences*
- 2) *For each arrested person listed in your answer to question 1, could you tell me:*
  - *Their age*
  - *Their sex/gender*
  - *The offence they were arrested for*
  - *Whether the arrested person was charged*

**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) (a) (b) Law Enforcement** states that information is exempt information if its disclosure under the Act would, or would likely to prejudice:

- a) The prevention or detection of crime;
- b) The apprehension or prosecution of offenders.

**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. Although not explicitly naming individuals, the cumulative effect of releasing a specific arrest title, gender, age and date parameters particularly in some instances due to the relatively recent time scale would be likely to lead to the identification of those involved. This would be breaching the right to privacy afforded to persons under the Data Protection Act 1998.

## **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. This could jeopardise the work done within communities to increase the public's confidence in reporting and giving assistance to the Force and may affect continuing police enforcement which could compromise any further lines of enquiry and the integrity of any investigations.

## **Public Interest Test**

### Considerations favouring disclosure

- A full release of information would show that SYP is proactive in its operational policing
- Disclosure would demonstrate SYPs commitment to transparency and openness

### Considerations favouring non-disclosure

- Members of the public will not report incidents to the Police for fear of confidentiality
- Damage to the Force's ability to prevent and detect crime if they are not aware what is ongoing in the community.

## **Balance**

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 the full release of the data pertinent to this request, could well affect any ongoing investigations at this present time. This is, in my opinion is a more compelling argument and therefore, at this moment in time, it is my opinion that for these issues I am not happy to release this data in full.

I am however, happy to release some detail on uncorrelated tables so as not to trigger the above exemptions.

Please see the below tables.

Year	Count Of Custodies				Count Of Custodies
	Possession of Firearms offences		Possession of Firearms with intent		
	Charged	Not charged	Charged	Not charged	
2018	1	21	1	8	31
2019	3	14	1	10	28
2020		14	2	12	28

2018		
Age	Male	Female
13	1	
14	1	
15	3	
16	8	
17	17	1

2019		
Age	Male	Female
13	1	
14	2	1
15	1	
16	10	
17	13	

2020		
Age	Male	Female
14	2	
15	3	
16	14	
17	9	