

12th May 2021

**Freedom of Information Request - Reference No: 20210812**

**REQUEST**

***This is a Freedom of Information request. Please provide me with the following information regarding the criminal conviction status of your staff:***

***1. How many people does your police force/constabulary have in each of the following roles?***

***a. Police Officer (Detective or Constable, including Specials) b. PCSO c. Other Police staff***

***2. a. How many of your Police Officers (Detective or Constable, including Specials) have criminal convictions?***

***2. b. How many of your PCSOs have criminal convictions?***

***2. c. How many of your other Police staff have criminal convictions?***

***3. For each conviction, please provide the following information:***

***a. The person's role and/or rank***

***b. The offence***

***c. Whether the person received a custodial sentence (suspended or otherwise) d. Whether the person was convicted before they joined the police***

**CLARIFICATION**

South Yorkshire Police has received a number of similar requests to yours in the past.

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/officer-convictions-ref-20210556/>

Officer numbers are submitted by the Force Annually to the HO and details can be found on the below link:

<https://www.gov.uk/government/statistics/police-workforce-open-data-tables>

**FROM THE REQUESTER**

***Thank you for your patience in dealing with us FOI requesters, and for your request for me to refine my request.***

***Please can you ignore the first question I asked in my original request. I now see that this information is already publicly available. I apologise for not checking this first, this was a lapse on my part. Thank you for pointing this out.***

***I have also now looked at the FOI log as you advised.***

***While I can see that a previous recent FOI requester has asked for similar information relating to Police Officers only (in particular, Officer Convictions Ref 20210556), I would like to proceed with the second and third part of my request.***

***I have two reasons for this. Firstly, even though there is overlap between my request and FOI 20210556 in relation to Police Officers only, I can see that in response to FOI***

**20210556 you have applied the qualified exemption S40(2). I know already that I will want to challenge this exemption through internal review, and with the ICO if necessary.**

**Secondly, it could be that the information relating to officers with previous criminal convictions in your Force changes even over the course of a few weeks, with retirements and new hires.**

**Thirdly, as I have sent the same FOI to all UK forces, in the interests of fairness, I need all the data to relate to serving police staff at the point at which I submit my FOI. With this in mind, please can you proceed with the following Freedom of Information Request, refined to exclude publicly available information:**

### **REFINED REQUEST**

**This is a freedom of information request. In the below questions, please interpret "currently serving" as "currently serving on the day this FOI request was originally submitted, i.e., 12 April 2021":**

**Dear South Yorkshire Police,**

**This is a Freedom of Information request. Please provide me with the following information regarding the criminal conviction status of your currently serving staff (as of 12 April 2021):**

- 1. a. How many Police Officers currently serving in your Police Force or Constabulary (in all positions, including Detective or Constable, and Specials) have criminal convictions?**
- 1. b. How many of your currently serving PCSOs have criminal convictions?**
- 1. c. How many of your other currently serving Police staff have criminal convictions?**
  
- 2. For each conviction, please provide the following information:**
  - 2. a. The person's role and/or rank**
  - 2. b. The offence**
  - 2. c. Whether the person received a custodial sentence (suspended or otherwise)**
  - 2. d. Whether the person was convicted before they joined the police**

**Please email to confirm you have received this refined FOI, that have begun processing this FOI, and that you do not at this stage require any more clarification.**

### **RESPONSE TO REFINED REQUEST**

I approached our Force Vetting Unit for the data for your request. I have been provided with data but on review I am unable to supply it in full.

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. Information disclosed under the Freedom of Information Act is disclosed into the public domain, effectively to the world, not just to one individual.

While general descriptions of the role of police officers give a degree of anonymity a staff members job role is particularly specific. Should other information be available to the requester the release of this information could lead to the positive confirmation of the nature of conviction and sentence detail, therefore may enabling the identification of the person involved.

With this in mind, whilst not explicitly naming individuals, the effect of a disclosure of Criminal conviction status data specifically relating to Officers and staff working for SYP along with the other data requested on a line by line basis would present the very real possibility of individuals involved being identified.

Please see the attached spreadsheet with data in uncorrelated tables. In this format I am happy they do not trigger the above exemption.