

Our Ref: oPCC FOI 1116

Date: 23 September 2016

Dear

**Freedom of Information Request - Reference No: 1116**

**REQUEST**

Please provide the following details of all outside police force investigations requested by SYOPCC since 1st December 2012.

Date requested

Force (or policing body) appointed to investigate

Operational name

Terms of reference

Budget agreed

Date finalised

Final cost

**RESPONSE**

Section 1 of the Freedom of Information Act 2000 provides two distinct but related rights of access to information, which impose corresponding duties on public authorities. These are:

- Section 1(1)(a) the duty to inform the applicant whether or not information is held by the authority, and, if so,
- Section 1(1)(b) the duty to communicate that information to the applicant.

The Office of the Police and Crime Commissioner does hold information relating to your request and this can be split into two distinct parts.

**Peer Review – South Yorkshire Police**

**Date requested** – 3 May 2016.

**Force (or policing body) appointed to investigate** – This review was led by Deputy Chief Constable Andy Rhodes of Lancashire Constabulary.

**Operational name** – Peer Review South Yorkshire.

**Terms of reference** – Please see below.

**Budget agreed** – No information is held.

**Date finalised** – 5 July 2016.

**Final cost** – No information is held.

The OPCC does hold further information relating to your request; however, I am unable to supply the information in full.

Section 17 of the Freedom of Information Act 2000 requires the OPCC, 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.

As such;

Section 21 – ‘Information reasonably accessible by other means’, is engaged – please see below.  
Section 30 1 (a) – Investigations and Proceedings Conducted by Public Authorities is also engaged – please see below.

An exemption applicable to your request falls under section 21. This states ‘Information which is reasonably accessible to the applicant.’ Information concerning an investigation into a complaint against the Chief Constable is available on the Commissioner’s website:  
<http://www.southyorkshire-pcc.gov.uk/Document-Library/Decisions/1314/13-006a.pdf>.

Section 30 1 (a) is also an exemption applicable to your request as this exemption covers information held at any time for the purposes of an investigation, regardless of whether the case is ongoing, closed or abandoned.

As Section 30 is a class based exemption, I am required to carry out a Public Interest Test in respect of disclosure.

#### **Favouring Disclosure**

- Disclosing information about investigations may provide greater transparency in the investigating process and the actions of a public authority.
- The public interest for disclosure in this case is high given the nature of the complaint concerns the conduct of a chief officer. It could be argued that the release of the information would facilitate the public’s ability to evaluate the integrity of a Chief Constable.

### **Against Disclosure**

- The release of information could prejudice and/or jeopardise the smooth running of an ongoing investigation and could therefore impact on future legal proceedings. Therefore, the wider public interest lies in protecting the ability of the public authority to conduct an effective investigation and consider the outcome.

### **Balancing Test**

When balancing disclosure against non-disclosure, I must also consider, in order of priority:-

- Individuals
- The Community
- The force and wider police service
- Other bodies

At the present time, considering all of the above, it is reasonable and right to favour non disclosure.

If you are unhappy with the way your request for information has been handled, you can request an internal review by emailing this office quoting this reference number.

If you remain dissatisfied with the handling of your request or complaint, you have a right to appeal to the Information Commissioner at:

The Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire, SK9 5AF.  
Telephone: 08456 306060 or 01625 545745  
Website: [www.ico.gov.uk](http://www.ico.gov.uk)

**Yours sincerely**

**Office of the Police & Crime Commissioner for South Yorkshire**