

Our Ref: oPCC FOI 1124

Date: 14 October 2016

Dear

**Freedom of Information Request - Reference No: 1124**

**REQUEST**

The link below, which reports the minutes of the South Yorkshire Police Accountability Board from May, contains reference to reference to South Yorkshire Police and South Yorkshire's Office of the Police and Crime Commissioner liaising with the Home Office on the subject of Orgreave.

<http://www.southyorkshire-pcc.gov.uk/Document-Library/GAB/2016/PAB-AGENDA-PACK-redacted.pdf>

12. PCC/INTERIM CC REVIEW ACTIVITY D Jones provided a verbal update on the three main areas of activity which the Force/OPCC are continuing to liaise on with the Home Office, these include:- • Hillsborough • Orgreave • Peer support/Engagement

I would like to request copies of any letters/emails sent since 2012 between South Yorkshire Police, the SYOPCC and the Home Office which mention Orgreave.

**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 however I am unable to supply you with this information.

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 22 – ‘Information intended for future publication’ is engaged. The Home Secretary is currently considering a legal submission received from the Orgreave Truth and Justice Campaign, containing their arguments for establishing a public inquiry. The publication of any documentation relating to Orgreave will be delayed until a decision has been made by the Home Secretary.

Section 22 is a qualified exemption and for that reason, a public interest test has to be conducted. Please see below:-

### **Favouring Disclosure**

- The public would be better informed if the information was released rather than waiting for future publication.
- The subject matter highlighted in the request is high profile and the public have a right to be kept informed of progress.

### **Favouring Non-Disclosure**

- The miners strike and matters pertaining to Orgreave is subject to much media interest. The release of any information prior to the Home Secretary’s decision could prejudice proceedings by not allowing for a full investigation to take place. This in turn would not be in the best interests of any party, whether directly or indirectly involved.
- The publication strategy is well detailed and has been carefully designed so that the public will benefit from all of the facts being available at the same time, meaning the information will be in context and more comprehensive.

### **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 the above 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,

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