

24<sup>th</sup> August 2020

**Freedom of Information Request - Reference No: 20201589**

**REQUEST**

***Assistance regarding body worn video***

***Is there currently a force policy in place that can be disclosed, I am having trouble navigating the website and cannot locate information about the guidance for the use and retention of body worn video.***

***I'd be grateful for any assistance you can render or if you can send me a link to the guidance on the website.***

**RESPONSE**

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire Police when refusing such information (because the information is exempt) to provide you the applicant with a notice which

- (a) states the fact,
- (b) specifies the exemption and
- (c) states (if it would not be apparent) why the exemption applies.

**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.

This exemption 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**

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.

Disclosure of information that details the operational effectiveness of the South Yorkshire Police may compromise the force. Those with criminal intent could use the information to circumnavigate SYP's procedures which may lead to more crimes being committed which would impact on police resources and place individuals at risk.

**PUBLIC INTEREST**

**Section 31 – Considerations favouring disclosure**

- Disclosure would demonstrate SYPs commitment to transparency and openness
- A full release of information would show that SYP is proactive in its operational policing
- Disclosure would provide better awareness, which may reduce crime or lead to more information from the public.

### Section 31 – Considerations favouring non-disclosure

- An impact on police resources, which would hinder the prevention or detection of crime and place individuals at risk, and limit our forces ability to operate effectively and efficiently.
- More crime would be committed by those individuals intent on committing offences which would impact of the force and the safety of members of the public.

### **ON BALANCE**

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. 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 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.

Having weighed up both parts of the public interest test, I have decided on balance that it is not in the public interest not to provide the data in full to your request.

Please see the below detail and the attached policy document which in its present format will not trigger the above exemption

Further detail on Retention policy can be found on the following link:

<https://www.app.college.police.uk/app-content/information-management/management-of-police-information/retention-review-and-disposal-of-police-information/>

SYP website has some detail regarding BWV:

<https://www.southyorkshire.police.uk/find-out/crime-prevention-advice/body-worn-video/>