**Freedom of Information - Humberside Fire and Rescue Service**

 **2022/009 - Convictions**

**The request is:**

**PART 1:**

In accordance with the Freedom of Information Act 2000, We request the following information about the number "serving fire service employees" at your authority with:

1. A criminal conviction of any kind
2. A conviction for domestic violence
3. A conviction for rape and sexual assault of adult or minor
4. A conviction for downloading child pornography
5. A conviction for indecent exposure

**PART 2:**

We also require information on how many serving Fire Service Employees at your authority have a) Attended internal disciplinary hearings b) have been suspended c) sacked or d) relocated for:

1. Any kind of criminal conviction
2. Domestic violence
3. Rape and sexual assault of adult or minor
4. Downloading child pornography
5. Indecent exposure

**The response is:**

This email constitutes a refusal notice under Section 40 (2)(b) (3A) and (5B) of the Freedom of Information Act 2000. We believe that the disclosure of the information requested is exempt information in that disclosure of information ‘would contravene any data protection principles’, which are set out in Article 5 (UK GDPR). We neither confirm nor deny that we hold any information as, under Section 40 (5B), the duty to confirm or deny we hold this information does not arise, as doing so would also contravene data protection principles.

The exemptions are absolute and, as such, we are not required to carry out a public interest test.

**Section 40 (2)** of The Freedom of Information Act states:

Any information to which a request for information relates is also exempt information if:

1. it constitutes personal data which does not fall within subsection (1) (any

 information to which a request for information relates is exempt information if it

 constitutes personal data of which the applicant is the data subject) and,

(b) **the first, second or third condition below is satisfied.**

(3A) The first condition is that the disclosure of the information to a member of the public otherwise than under this Act:

1. would contravene any of the data protection principles

**Section 40 (5B)**The duty to confirm or deny does not arise in relation to other information if or to the extent that any of the following applies:

(a) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a):

(i) would (apart from this Act) contravene any of the data protection principles

Further information on Section 40 of the Freedom of Information Act 2000 can be found [here](https://www.legislation.gov.uk/ukpga/2000/36/section/40).

Further information on UK GDPR can be found [here](https://www.gov.uk/data-protection#:~:text=The%20Data%20Protection%20Act%202018%20is%20the%20UK's%20implementation%20of,used%20fairly%2C%20lawfully%20and%20transparently).

If you are unhappy with the handling of your request, you have the right to ask for an internal review. A request for an internal review should be made within 40 working days of the date of this email. If you are not happy with the outcome of the internal review, you have the right to apply direct to the Information Commissioner. The address is: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

<https://ico.org.uk/>