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

**2024/25 092 – Staff with Criminal Records**

**The request is:**

Under the freedom of information act and as a matter of public interest please could you provide me details regarding how many staff employed by Humberside Fire and rescue currently have a Criminal record, their job role and what type of criminal act was carried out, for example GBH, ABH, Harassment etc.

If you could also provide me with historical data from 2014 to 2024 providing me details of how many staff employed between 2014 to 2024 had a criminal record, their job role and what the criminal act Carried out was.

Due to the sensitivity of this data please do not provide any personal information that could identify individuals just numerical data and type of crime.

Today's date is December 17th, 2024.

Please respond in writing to this email within the time scales set out in the freedom of information act.

**The response is:**

I can confirm that Humberside Fire and Rescue Service hold some of this information.

40 staff currently employed by HFRS hold a criminal record. The range of offences is as follows:

ABH

Affray

Arson

Assault

Breach of Non-Molestation Order

Burglary

Common Assault

Driving Offences

Fraud

GBH

Public Order Offence

Sexual Assault

Due to some small numbers involved we are unable to disclose job roles or the actual numbers for the criminal acts carried out as this is likely to identity the individuals concerned and is therefore deemed to be personal data which is exempt under Section 40 (2) of the FOI. Personal data is information that relates to an identified or identifiable individual. Please see further information on Section 40 (2) below.

We are unable to provide historical data due to a technical issue in the area where previous information was recorded, and how this was recorded, however following a change in legislation in 2023 all staff have received a DBS check, and the information provided on the current numbers of staff is accurate and up to date.

**Section 40 of FOIA:**

(2) 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), and
2. the first […] 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(2) is an absolute exemption where if the first condition is satisfied, then a public interest test is not necessary, however, public interest must be considered when judging lawfulness under principle (a).

To judge whether disclosure would contravene principle (a), consideration must be given to whether it is it lawful, fair and transparent. The most relevant lawful basis in this case would be legitimate interest and have therefore considered the public interest on this basis:

**Public interest in favour of disclosure:**

1. There is a legitimate public interest in the reassurance that HFRS is aware of and records any criminal conviction received by their staff.
2. There is a legitimate public interest in substantiated allegations, especially against higher-ranking officials. This interest extends to ensuring that individuals in positions of power are held accountable for their actions.

**Public Interest in favour of withholding:**

1. Disclosing small numbers could lead to the identification of individuals, which would be an unwarranted invasion of their personal privacy.
2. Identifying of individuals through the disclosure could expose them to harm, distress, or discrimination.
3. Ensuring that personal data is protected helps maintain public trust in public authorities and encourages individuals to engage and provide accurate meaningful information to the organisation.
4. The Public Interest Disclosure Act 1998 protects employees against detrimental treatment when they report misconduct, fraud, or illegal activities; identification of employees would be deemed to be detrimental.

We then considered whether disclosure is necessary to meet the legitimate interest.

We believe there is a legitimate interest for the requester in the information withheld, however, do not believe that detailed numbers are required to meet this interest, nor do we believe that this interest extends to the wider community and public interest would be served by the release of the range of criminal activities.

**Balancing Test:**

It is necessary to balance the factors above whilst maintaining transparency and privacy. Withholding individual numbers of the type of criminal convictions listed above would not wholly satisfy the request, however, would satisfy the wider legitimate interest, and disclosure of the detailed information is likely to cause harm to the individuals concerned as outlined above in the public interest reasoning. It is our belief that the legitimate interest does not outweigh the interests and rights of the individuals who have a right to personal privacy.

On balance, the public interest in withholding the requested information outweighs the public interest in disclosure and the information requested is exempt under Section 40(2) Personal information of the Freedom of Information Act.

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 at [www.ico.org.uk/foicomplaints](https://newsletter.ico.org.uk/c/1lULiJldYNwfIFlCf3c4BKJdO). The postal address is: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.