

Our Ref: FOI 1320

16 February 2021

Dear

Freedom of Information Request – Reference FOI 1320

I refer to your request under the Freedom of Information Act 2000, received on 24 January 2021.

Set out below is the request you have raised and our response to it.

REQUEST

‘South Yorkshire’s Police and Crime Commissioner has written to the Transport Secretary calling for smart motorways without a hard shoulder to be scrapped following a history of exchanges.

I am asking for the exchanges with the Department for Transport and Highways England.”

On 26 January 2021, I asked you to provide further clarification in relation to whether you required:

- Exchanges between Dr Alan Billings and the Department for Transport and Highways England or other staff within his office?
- Exchanges just relating to smart motorways?
- What time frame you would like the exchanges to be between?

On 2 February 2021, you clarified that you would like to request:

- *“Exchanges between Dr Alan Billings and the Department for Transport and Highways England and other staff within his office.*
- *Just exchanges relating to smart motorways and incidents on motorways from when the matter was raised. I’ve noted the chief constable wrote years ago. <https://www.thetimes.co.uk/article/ministers-told-about-smart-motorway-dangers-in-2013-nf8wcklnv>”*

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.

To enable me to respond to your request an email search, using the key words of 'Motorway(s), Smart Motorways, Highways England, Highways Agency and Department of Transport was carried out. This was on all Office of the Police and Crime Commissioner (OPCC) staff (including PCCs Shaun Wright and Dr Alan Billings) between 22 November 2012 (when PCCs were introduced) and 3 February 2021.

Please see the attached emails relating to your request. You will see throughout the documentation that certain information is redacted.

Section 17 of the Freedom of Information Act 2000 requires the Office of the Police and Crime Commissioner (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).

The following exemption applies to the disclosure of information:

Section 40(2) Personal Information

This is an absolute exemption and therefore a Public Interest Test is not relevant. However, for clarity, I will explain my rationale for engaging this exemption. Section 40(2) provides that information is exempt if it is the personal data of someone other than the applicant and disclosure would breach any of the data protection principles. The term 'personal data' means data that relates to a living individual who can be identified.

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

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

Yours sincerely

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