

## **Public Interest Test**

**Reference:** 724\_15

### **Exemptions:**

Section 23 (1)	Information supplied by, or relating to, bodies dealing with security matters.
Section 30 (1)(a)	Investigations and Proceedings conducted by Public Authorities
Section 31 (1)(a)(b)	Law Enforcement
Section 40 (2)	Personal Information

Section 23 is an absolute and class based exemption and there is no requirement to consider the public interest in this case.

Section 30 (1)(a) is a qualified and class based exemption and thus a consideration of the public interest must be provided upon disclosure. Please see the reasoning below.

Section 31 (1)(a)(b) is a qualified and prejudice based exemption, therefore the articulation of harm must be presented alongside the public interest test. Please see the harm and reasoning below.

Section 40 (2) is an absolute and class based exemption if to provide the information would breach the third party's data protection rights. In this case, to provide the data would not constitute fair processing of the data and therefore would breach the first of the principles within the Data Protection Act 1998. As this exemption is class based I am not required to identify the harm in disclosure and in this instance I believe that the right to privacy outweighs any public interest in release.

### **Harm**

Providing information gathered as part of an investigation could potentially risk identifying specific incidents and victims. Victims should be assured that their safety is of paramount concern and that WMP would not put information out into the public domain that may lead to harm. We would not want to reveal intelligence to offenders which would enable them to change their method of operation to avoid detection.

Releasing information provided by the public, collected during the course of an investigation should always be handled sensitively. West Midlands Police (WMP) wants to encourage the public to be open and truthful without fear that information they provide will be released into the public domain.

### **Considerations that favour disclosure – Section 30**

There is a clear public interest in ensuring that authorities are investigating important matters. Releasing information held in relation to investigations would confirm to the public that the police are investigating appropriately.

There is a public interest in authorities acting in as transparent a manner as possible. It is

important that the public are kept informed of investigations that affect them and are allowed to make decisions based upon relevant information.

The public are entitled to know how public funds are spent and the release of this information shows the extent of the measures that are being taken in this area.

### **Considerations against disclosure – Section 30**

Where a current investigation may be compromised by the release of information, it is unlikely to be in the interest of the public. Releasing specific intelligence into the public domain may alert offenders to our knowledge of their activities.

If an offender was identified by any release of information it may jeopardise court proceedings and compromise the future prevention and detection of crime.

The public must be confident that WMP are committed to ensuring that information provided during the course of an investigation will only be used for relevant purposes. We do not want to discourage the reporting of crime, or discourage openness and transparency.

### **Considerations that favour disclosure – Section 31**

The information may provide better awareness of Child Sexual Exploitation (CSE) which may in turn lead to a reduction in crime as the public can take steps to protect themselves and their families. Better awareness may lead to more information being provided by the public as they would be more conscious of suspicious activities.

### **Considerations against disclosure – Section 31**

Where the current or future law enforcement role of the force may be compromised by the release of information, then this is unlikely to be in the interest of the public.

Local authority cooperation is essential in efforts to identify and reduce CSE. Releasing harmful information could undermine this partnership approach to law enforcement.

The redacted information indicates areas of interest and focus by the police which offenders may use to their advantage.

### **Balance Test**

The issues of accountability and transparency are noted. However, West Midlands Police would never release information that would compromise an ongoing investigation or interfere with the future law enforcement role of the force. Furthermore the prevention of crime is a key role of the police and the release of information that may compromise the safety of victims is not in the interests of the public.

In addition the majority of information contained within the report is being released in response to this request and this should provide the necessary safeguards and satisfy the public interest in this matter. The small amount of information that is being withheld would not add to the public's knowledge sufficiently to warrant the possible compromise of the police role. WMP and partnership agencies have implemented schemes and campaigns to

make the public more aware of CSE so that they can take the necessary precautions and prevent crime.

There is an inherently strong public interest in authorities carrying out investigations to prevent and detect crime. Therefore, on balance, it is considered that the public interest in providing the information is outweighed by the potential impact release would have on victims, the community and future law enforcement activities.