

## **EXEMPTION NOTICE**

Reference 3894/15

### Applicable Exemption

Section 30 (1) Investigations and Proceedings Conducted By Public Authorities.

Section 30(1) provides an exemption in cases where the information has at any time been held for the purposes of investigations and proceedings which the public authority has a duty to conduct.

### Reason For Applying The Exemption

#### Harm

The Freedom of Information Act makes it a legal requirement that an authority has to not only provide information, unless it is exempt, but to also confirm whether or not that information is held, unless to do so would in it self provide exempt information. In this case we are able to confirm that we hold relevant information but that this information is exempt under Section 30(1).

Release into the public domain of information provided by or about individuals may affect the public's perception of the investigative process and make people more reluctant to report crime in the future. Under-reporting leads to an increase in undetected crime which has an adverse affect on the community. Therefore to allow a situation to occur whereby details of encounters concerning individuals have taken place are routinely disclosed would likely to prejudice the ability of the public authority to carry out investigations.

### Considerations Favouring Disclosure

Disclosing information about investigations would provide a greater transparency in the investigating process and the actions of a public authority. It is clear that there is a public interest in public authorities operating in as transparent a manner as possible, as this should ensure they operate effectively and efficiently. Confirming the existence of an investigation could help to ensure that authorities do not overlook issues which they should investigate or that they have good reasons for not investigating.

It is the responsibility of the force to take reasonable measures to protect the health, safety and wellbeing of the community it serves. This information could go some way towards reassuring the public that West Midlands Police Force are providing the support and are aware of the needs of the community .

### Considerations Favouring Non-Disclosure

Release into the public domain of information provided by or about an individual may affect the public's perception of the investigative process and make people more reluctant to report crime in the future. This would impact on the level of service the police are able to provide to the local community. Our partner agencies may be reluctant to share information in future if they are aware there is a strong possibility that information would be released.

Under-reporting leads to an increase in undetected crime which has an adverse affect on the community. Therefore to allow a situation to occur whereby details of encounters and/or statements concerning individuals have taken place are routinely disclosed would be likely to prejudice the ability of the public authority to carry out investigations.

Although the public feel they have a right to know who their neighbours are and about the communities they live in, releasing information relating to individuals would have a detrimental effect on the individual concerned as these individuals could be targeted, receive unwanted attention and be unnecessarily blamed for incidents whereby they maybe innocent. Although individuals may temporarily stay at the hotel, the circumstances of the reasons why they are staying are unknown therefore releasing information relating to the hotel could provide a stigma of "troublemakers".

If information were to be released then people who may have committed crime within this area may realise that they are not subject/ are subject to a police investigation. This could effect/ alert individuals that their criminal behaviour may have gone undetected by the police force. This could put the force at risk of repeat of certain crimes/ incidents.

### Conclusion

For a public interest test, issues that favour release need to be measured against issues that favour non-disclosure. The public interest is not what interests the public, or a particular individual, but what will be the greater good, if released, to the community as a whole.

I recognise that the public interest in being open and transparent is of great importance to all and release of information may assist in the public being more aware of the work that the police are carrying out. However, while the public interest considerations favouring confirmation or denial are noted, this must be balanced with the impact any response would have on the operational capability of the police.

Therefore it is my view protecting the ability of West Midlands Police to carry out investigations is greater importance than the advantage of public confidence from the disclosure of this information.

At this time, it would not be in the public interest to release this information. West Midlands Police will not disclose information that could harm the public or that could compromise the future law enforcement role of the police.

