

PUBLIC INTEREST TEST

Section 31 (1) (a)

Harm

The Freedom of Information Act makes it a legal requirement that an authority has a duty to provide information, unless it is exempt. However, to disclose information in relation to encryption algorithm details, key length and software used for Body Worn Camera's would confirm the ability, or otherwise, of WMP to utilise specific technology.

Release via the Freedom of Information Act is deemed release into the public domain. Therefore, to disclose such information would allow criminals to accurately evaluate the capability of WMP to deploy specific technology. Such detailed knowledge would allow criminals to make a judgement regarding the techniques that have been or may be used against them. Providing the encryption algorithm details, key length and software used will provide those intent on criminal activity with the knowledge that their crimes may have gone undetected, therefore providing those with the knowledge that their activities can remain unchanged.

Considerations that favour Disclosure

Disclosing information about technologies used by police would provide a greater transparency in their actions and ensure that they operate effectively and efficiently. It is clear that there is a public interest in public authorities operating in as transparent a manner as possible, as this should allow the public to understand how the force spends public money.

Body Worn Cameras are visible and officers have to indicate when the camera is on, providing information on what specific technologies are employed should provide the necessary safeguards and satisfy the public interest regarding the use of techniques by the police. Providing this information could reassure the public that an accurate account of events are recorded. This would also go some way to help ensure the police remain accountable for the techniques they employ.

Considerations that favour non-Disclosure

Where 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.

Indicating the availability, or otherwise, of specific techniques would provide detailed intelligence to criminals regarding WMP capabilities. Detailed knowledge of the measures that are available (or not available) to WMP would allow those intent on breaking the law to be aware that their criminal behaviour would or would not be detected, allowing them to either carry on that behaviour or to change it to avoid being detected.

Knowledge of the technologies, encryption details, available to WMP would allow criminals to judge, what information WMP have access to, the methods / software we

use, the algorithms and the length of the key could offer those with intentions to unencrypt footage if they had a chance of doing so. This would compromise the future prevention and detection of crime.

Balancing Test

The issues of transparency and awareness are noted. However, on balance it is considered that the public interest in providing the information is outweighed by the potential impact release would have on future law enforcement activities.

Releasing information by the public authority might provide a greater transparency regarding the techniques and storage utilised by the Force. However there are already a number of checks and balances on police forces which ensure that appropriate technologies are used in a proportionate and lawful manner.

There are legislative requirements placed on the police, such as the Police and Criminal Evidence Act and the Regulation of Investigatory Powers Act. Police activity is monitored by independent bodies such as Her Majesty's Inspectorate of Constabulary, the Independent Police Complaints Commission, The Interception of Communications Commissioners Office and the Office of the Surveillance Commissioner. There are, therefore, already a number of mechanisms in place to ensure that the police act in a lawful and appropriate manner.

Providing information in relation to software and encryption details in this case would place into the public domain, information that would allow criminals to avoid detection and target their activities. To undermine the police's ability to prevent and detect crime would not be in the public interest. The wider public interest lies in protecting the ability of the police to utilise these techniques effectively and in a proportionate manner, given that there are already a number of independent mechanisms in place to ensure that the technology is used fairly and lawfully.

Having considered the arguments for and against, the public interest test favours non-disclosure of this information. West Midlands Police will not disclose information that could compromise the future law enforcement role of the force.