

Public Interest Test

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 itself provide exempt information. In this case to confirm or deny whether any further information is or is not held could cause a significant risk to the law enforcement capability of the force and place members of the public at risk of harm.

West Midlands Police are charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. To confirm whether any further information is held would provide certainty on specialist tactical capabilities and resources in West Midlands Police.

Considerations that favour confirming or denying

WMP are accountable to the public for the efficient resourcing, training and budgeting of specialist units and departments, so that the public can be content that our force is fulfilling its responsibility to protect and serve our communities. It is in the public interest to know that the force have sufficient and appropriate resources.

Considerations against confirming or denying

Confirming or denying that any further information is or is not held would provide certainty regarding the force's specialist capacity and capabilities which would compromise law enforcement and place members of the public at risk. Confirmation, or otherwise, could lead to deliberate and malicious attacks to divert specialist resources in areas where officer numbers are lower or may expose a weakness which could be taken advantage of by the criminal fraternity. Revealing any tactical or operational information would prejudice law enforcement which would in turn endanger the safety of both members of the public and officers concerned.

Confirmation or denial would provide the criminal fraternity with valuable information that would assist them with their activities, allowing them the opportunity to alter their behaviour to avoid detection.

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. In this case, for the reasons outlined above, confirming or denying the existence of further information could jeopardise future police operations and compromise the future prevention and detection of crime.

Balancing Test

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.

West Midlands Police is accountable for the spending of public money. However, on balance it is considered that the public interest in confirming or denying whether any further information exists is outweighed by the potential impact release would have on our specialist tactical capabilities and future law enforcement activities, and the potential to place members of the public at risk.

Public safety and effective law enforcement is of paramount importance to West Midlands Police and we will not confirm or deny any information if to do so would place the safety of an individual at risk or undermine the prevention or detection of crime.

Therefore, having considered the arguments for and against, the public interest test favours maintaining the exclusion of the duty to confirm or deny whether the information exists. West Midlands Police will not disclose information that could compromise the future law enforcement role of the force or that could negatively affect our duty of care to all members of the public.