

## Harm

The Freedom of Information Act (FOIA) is applicant blind. This means that if we were to accede to the request, we would be obliged to make this information available to everyone. Each report contains a unique set of facts and circumstances and is information that is of a very personal and sensitive nature to the victims involved. Complying with your request in full may have a negative impact on the victims should they find out that the reports have been released in the public domain. Furthermore disclosure would cause high levels of distress to the victims by virtue of the fact that it has the potential to increase the risk of identification by not only the public but the family and friends of the victims who they may not want to know.

Release of information through the FOIA removes any of the legal strictures and assumptions of confidentiality associated with the due legal process. To place the information into the public domain under the FOIA could undermine the prevention and detection of crime, which is the foundation upon which policing is built. The Police Service has a clear responsibility to prevent and detect crime and disorder as well as maintaining public safety. Something that is essential in aiding us when upholding the above responsibilities is public confidence. Actual or perceived breaches of confidentiality would adversely affect the public's perception of West Midlands Police's processes and cause harm to the community as a whole. Details of crimes are provided by victims to the police for the purposes of an investigation. Disclosure into the public domain may make people more reluctant to report crime in the future. Underreporting leads to an increase in undetected crime which has an adverse effect on the community.

## Issues that favour disclosure

### *Encouraging victims of crime to come forward*

Publicising these cases may encourage victims of this type of crime to come forward. It would make it known that this is classed as a crime and hence something that the Police will investigate.

### *Identifying trends*

An awareness of this type of crime may be increased and the information released could lead to patterns being spotted. If a group of people could be identified as vulnerable to this type of crime from the information, targeted prevention strategies could be put in place. Consequently, people vulnerable to this crime would be better informed about it and this may reduce the occurrences of such incidents.

## Factors favouring non-disclosure

### *Preventing and Detecting Crime*

Where the current or future prevention and detection of crime may be compromised by the release of information, then this is unlikely to be in the interest of the public. In this case, disclosure could cause victims of this type of crime to be deterred from reporting it if they know that their personal details that they have trusted West Midlands Police to hold in confidence may be publicly disclosed as a result of an FOI request. Ultimately, this could lead to a negative impact on the operational effectiveness of West Midlands Police and the activities that we can conduct in relation to the prevention and detection of crime.

*Public confidence and our duty to victims of crime*

There is a clear public interest in ensuring that public authorities **do not** use information for inappropriate or obscure purposes that a person would not envisage prior to providing it. When information is provided to a police force on the understanding that it is confidential, e.g. when a statement is given to the police, the force is obliged to ensure that confidentiality is upheld. Public disclosure of detailed breakdowns on individual reports of crime may impede the future ability of the Force to gather information that is required to perform its public service functions. In general, the public has a reasonable expectation of privacy regarding the information that West Midlands Police holds about them or their family. This expectation applies even more so when the information relates to reports of crimes that are sensitive to the victims involved such as the reports relative to this request. The public must be confident that West Midlands Police would never publicly disclose details of a crime that could breach confidentiality and subsequently cause distress to a victim who had the bravery to come to the Police in the first place in order to report it. Accordingly, if West Midlands Police were to fully acquiesce to your request, public confidence could be seriously undermined.

**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.

The points above highlight the merits for and against disclosure. The issues of encouraging victims of crime to come forward and identifying trends of how this type of crime occurs in order to better inform the public are noted. However, on balance, it is considered that the public interest in disclosing a detailed breakdowns on each crime report related to the request at hand is outweighed by the potential impact on the victims involved and the future prevention and detection of such crimes.

Ensuring the highest possible chance of the prevention and detection of crime takes priority and is at the forefront of the approach taken by West Midlands Police. This includes ensuring our relationship with the public is not impeded. It is reasonable to assume that any persons reporting a crime would not expect information that could indicate their involvement to be disclosed to others. West Midlands Police have a responsibility to treat dutifully all the information it holds and the interest of the public is best served by the non-disclosure of information which adversely affects the reputation of an individual e.g. if discovered by family and friends that they have been a victim of such a crime.

Having considered the arguments for and against, at this moment in time, it is our opinion that the public interest test favours maintaining the non-disclosure of the requested information. West Midlands Police will not disclose information that could cause distress to individuals or reveal personal information or compromise the future law enforcement role of the force.