

Exemptions

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.

Harm

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 one of the foundations 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. 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. 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 West Midlands Police would not put information out into the public domain if that may lead to harm.

Something that is essential in aiding us when upholding the above responsibilities is public confidence. West Midlands Police wants to encourage the public to be open and truthful without fear that information they provide will be released into the public domain. Inappropriate disclosure of information would adversely affect the public's perception of West Midlands Police's processes and cause harm to the community as a whole.

Section 30

Considerations that favour disclosure

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 and it may encourage further victims of this type of crime to come forward.

There is also 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.

In relation to resources, transparency regarding how public funds are spent and the release of this information would show the extent of the measures that are being taken in this area.

Considerations against disclosure

Where current and future investigations and/or law enforcement roles may be compromised by the release of information, then this is unlikely to be in the interest of the public. If an offender was identified by any release of information, it may jeopardise court proceedings and compromise the future law enforcement role of the force.

The public must be confident that West Midlands Police 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.

Section 31

Considerations that favour disclosure – Section 31

The information may provide better awareness of human trafficking which may in turn lead to a reduction in crime as the public can take steps to protect themselves and also be more vigilant in relation to indicators of this type of crime. A better awareness may in turn lead to more information being provided by the public to West Midlands Police as they would be more conscious of suspicious activities.

Considerations against disclosure – Section 31

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.

The redacted information indicates areas of interest and focus by the police which offenders may use to their advantage. Releasing specific intelligence into the public domain may alert offenders to our knowledge of their activities which may prompt them to take further steps to avoid detection.

What is also essential in efforts to identify and reduce human trafficking is third party cooperation. Releasing harmful information could undermine this partnership approach to law enforcement.

Balance 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 transparency, accountability and public general awareness are noted. However, West Midlands Police would never release information that would compromise an on-going investigation or interfere with the future law enforcement role of the force. Furthermore, 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 is not impeded with the public and other agencies whom we are in partnership with to combat

this type of crime. 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 safety of victims of crime and our safeguarding duties owed to them.

It is worth noting that 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. West Midlands Police and partnership agencies have implemented schemes and campaigns to make the public more aware of human trafficking so that they can take the necessary precautions and prevent crime.

Ultimately, 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 safety of the community and the future law enforcement role of the force.