

Freedom of Information Request 1706A/21 Public Interest Test

West Midlands Police

Section 31(1) – Law enforcement

Harm

Release via the Freedom of Information Act is deemed release into the public domain. Therefore, releasing the information would allow criminals to accurately evaluate the capability of West Midlands Police (WMP) to deploy specific communication analysis technology. Such detailed knowledge would allow criminals to make a judgement regarding the techniques that have been or may be used against them and therefore to take measures to avoid specific techniques.

Factors that favour Disclosure

Disclosing information about technologies / tactics 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.

Disclosing what specific technologies and tactics are employed should provide the necessary safeguards and satisfy the public interest regarding the use of techniques by the police. Disclosing specific technologies could help to ensure that the police are accountable for the techniques they employ.

Factors against Disclosure

Where the 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.

Knowledge of the technologies and tactics available to WMP would allow criminals to judge which devices are most difficult to unlock and to choose those in order to avoid detection. It would also allow them to employ other methods to counteract the specific technologies and tactics available to WMP. 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 disclosing the information is outweighed by the potential impact release would have on current and future law enforcement activities.

Disclosing information 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, I therefore consider that the public interest test favours maintaining the exclusion of disclosing the requested information. West Midlands Police will not disclose information that could compromise the current or future law enforcement role of the force.