

Public Interest Test

Section 30 Investigations and proceedings conducted by a Public Authority

S30(1) relates to investigations in general terms and covers information that has been held by a public authority gathered at any time in relation to a specific investigation, criminal or otherwise. In this case the information you have requested would have been gathered for the purposes of several ongoing investigations.

Factors favouring Disclosure

The force and its officers are accountable to the public for their actions in respect of any investigations they undertake and any subsequent action that is taken. Release of information may raise awareness of these particular crimes and therefore ensure that the public are reassured that West Midlands Police are investigating appropriately.

Considerations favouring Non-Disclosure

These crimes are still being investigated. It would not be in the public interest to release information that may assist offenders to evade justice. Releasing the known facts in an investigation may allow criminals to construct an alibi or destroy relevant evidence.

The right to a fair trial is of paramount importance and any unwarranted disclosure which could enhance media attention prior to any proceedings could compromise an individual's right to a fair trial.

Release of information may undermine public confidence and co-operation and act as a deterrent for the public to provide information if release on this occasion is seen as setting a precedent which could affect future investigations. It would be likely to prevent victims and potential witnesses coming forward in the future and may inhibit the force in performing its public service functions. It is particularly important that the public have confidence that their information will be treated sensitively and appropriately.

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.

Although the issues of accountability and awareness are noted, on balance it is considered that the public interest in disclosing these data is outweighed by the potential consequences to proper legal proceedings, and the impact of such a release on the bereaved families.

There are legal processes in place to ensure that all parties are given access to all the appropriate information at the time of any trial and subsequently through court records.

Releasing information outside of such a schedule could undermine the smooth running of these processes and would impact on future judicial proceedings. Therefore, the wider public interest lies in protecting the ability of the public authority to conduct an effective investigation and for the information gathered to be considered appropriately throughout the judicial process.

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

Therefore, it is my opinion that the public interest in maintaining the exemptions outweighs the public interest in disclosing the information