

Request Reference 385A/22

**2) Please provide me with a table showing a breakdown of the crimes from Question 1 that are 'linked' to Airbnb by its mention in the MO.**

**3) Please provide me with copies of the first 10 MOs that mention Airbnb.**

Applicable exemption: Section 30(1)(a)(b) – Investigations and proceedings

Public Interest TestHarm

Inappropriate disclosure of information about an investigation can interfere with that investigation by allowing suspects to change their behaviour, destroy evidence or prepare alibis based on their knowledge of the information known (or not known) by West Midlands Police.

Additionally, release of information through the Freedom of Information Act removes any of the legal strictures and assumptions of confidentiality associated with the due legal process. As a consequence, any on-going or subsequent court proceedings could be jeopardised where information regarding an investigation was released.

Arguments in favour of disclosing the information*Transparency:*

Disclosing information about investigations would provide a greater transparency in the investigating process and the actions of a public authority. It is clear that there is a public interest in public authorities operating in as transparent a manner as possible, as this should ensure they operate effectively and efficiently.

Arguments in favour of maintaining the exemption*Public Confidence:*

The public must be confident that West Midlands Police are committed to ensuring that information provided by them will only be used for appropriate purposes and that the confidentiality of any information given will be maintained. Therefore, they should be assured that West Midlands Police would never release information that would breach confidentiality.

*Law Enforcement:*

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. In this case, for the reasons outlined above, releasing information in relation to an investigation could jeopardise police operations and compromise the prevention and detection of crime.

*Efficient and Effective Conduct of the Service:*

There is an inherently strong public interest in public authorities carrying out investigations to prevent and detect crime. This ensures that offenders are brought to justice and that the necessary checks and balances are in place to safeguard public funds and resources. To allow the effectiveness of investigations to be reduced, as described in the harm above, is not in the public interest. West Midlands Police need to be allowed to carry out investigations effectively away from public scrutiny until such times as the details need to be made public,

otherwise it will be difficult for accurate, thorough and objective investigations to be carried out.

*Legal Proceedings:*

It would not be in the public interest to release information that may be of assistance to offenders/prevent an individual from being brought to justice. The right to a fair trial is of paramount importance and any disclosure which could enhance media attention prior to any proceedings could compromise an individual's right to a fair trial under the Human Rights Act.

Balance Test

For a public interest test, arguments in favour of disclosing the information must be weighed against arguments in favour of withholding the information (i.e. maintaining the exemption). The 'public interest' here means what will be for the public good, not what is of interest to the public, or the private interests of a requester.

In this case, this means balancing the issue of the force being open and transparent against the potential impact release would have on individual's privacy, law enforcement activities, efficiency and effectiveness of investigations and bringing offenders to justice.

It is clearly not in the public interest to disclose information that jeopardises the rights of an individual, or adversely impacts on the force in performing its core operational duties of protecting life and property, preserving order, preventing the commission of offences and bringing offenders to justice. However, releasing specific detail in relation to investigations could have these exact negative effects.

I also recognise and acknowledge the public interest in the force being open and transparent though with regard to investigations, and disclosure of the redacted information could provide a greater transparency in the investigating process. However, there are already a number of checks and balances on authorities to assess whether investigations are conducted appropriately. 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. In addition, if a person feels that they have been treated inappropriately by the police there are clear processes in place to ensure that matters are investigated thoroughly and appropriately.

Therefore, having weighed the factors above for and against release, it is my considered opinion that the argument for release of the redacted information is not made out and the public interest test favours maintaining the exemption. West Midlands Police will not disclose information that could reveal personal information or could compromise the law enforcement role of the force.