

Freedom of information request 1286A/22 West Midlands Police

Section 38(1)(a)(b) – Health and safety
Section 31 (1) Law enforcement

Harm

In responding to a request under the Freedom of Information Act, we are making the information available to the public as a whole, not just the individual making the request.

Releasing the partial figures for the year in relation to those that are in receipt of an Osman warning under FOI will undoubtedly cause significant harm to those members of the public. It would be extremely distressing and upsetting to these individuals affected, to publish any information which has not otherwise been published and that may lead to them being identified and put in further harms way.

West Midlands Police (WMP) are charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. To release the requested information causes a significant risk to future law enforcement capability of the force.

WMP has a duty to prevent crime, apprehend and prosecute offenders and carry out the administration of justice.

Considerations for disclosure

Members of the public need to be reassured that individuals in receipt of an Osman warning are resulting in the offenders being apprehended and dealt with in a timely fashion. This information could go some way towards reassuring the public that the West Midlands Police Force is actively dealing with offenders and making the streets of West Midlands a safer place.

Disclosing partial annual figures would provide a greater transparency in the processes 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.

Considerations against disclosure

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 disclose information that would compromise how we implement the law and that would further affect a person's health and safety.

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 issues of transparency and awareness are noted. However, on balance it is considered that the public interest in releasing any information is outweighed by the potential impact release would have on individual's health and well-being surrounding the seriousness of receiving such a warning from the police.

Having considered the arguments for and against, the public interest test favours withholding the requested information. West Midlands Police will not disclose information that could reveal information that will affect the harm to health.

Also, having considered the arguments for and against release, the public interest test favours non-release of material which directly impacts on any on-going or future investigations. The greater public interest is served in maintaining the integrity of the justice process, and this in turn favours maintaining the exemption in relation to the withheld material. West Midlands Police will not disclose information that could compromise the future law enforcement role of the force.