

**Public Interest Test – 1146A/22****Applicable exemptions:**

Section 24(2) – National security

Section 31(3) – Law enforcement

**Evidence of Harm**

Any disclosure under FOI is a release to the public at large. Whilst not questioning the motives of the applicant, confirming or denying that any other information relating to the covert practise of biometric technologies such as ear, vein and gait recognition would show criminals what the capacity, tactical abilities and capabilities of the force are, allowing them to target specific areas of the UK to conduct their criminal/terrorist activities. Confirming or denying the specific circumstances in which the Police Service may or may not deploy the use of new biometric technologies would lead to an increase of harm to covert investigations and compromise law enforcement. This would be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

The threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. Since 2006, the UK Government has published the threat level: <https://www.mi5.gov.uk/threat-levels>. The UK continues to face a sustained threat from violent extremists and terrorists and based upon current intelligence the threat level is set at Substantial. It is well established that police forces use covert tactics and surveillance to gain intelligence in order to counteract criminal behaviour. It has been previously documented in the media that many terrorist incidents have been thwarted due to intelligence gained by these means. Confirming or denying whether any information is or isn't held relating to the covert use of these biometric technologies would limit operational capabilities as criminals/terrorist would gain a greater understanding of the police's methods and techniques, enabling offenders to take steps to counter them. It may also suggest the limitations of police capabilities in this area, which may further encourage criminal/terrorist activity by exposing potential vulnerabilities. This detrimental effect is increased if the request is made to several different law enforcement bodies.

In addition to the local criminal fraternity now being better informed, those intent on organised crime throughout the UK will be able to map where the use of certain tactics are or are not deployed. This can be use information to those committing crimes. It would have the likelihood of identifying location-specific operations which would ultimately compromise police tactics, operations and future prosecutions as criminals could counteract the measures used against them. Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on both National Security and Law Enforcement.

**Public Interest Test***Section 24 - Factors favouring confirming or denying that any other information is held:*

Confirming or denying that any other information exists relevant to the request would lead to a better-informed public and the public are entitled to know how public funds are spent. The information simply relates to national security and disclosure would not actually harm it.

*Section 24 - Factors against confirmation or denying that any other information is held:*

To confirm or deny whether West Midlands Police hold any additional information would allow inferences to be made about the nature and extent of national security related activities which may or may not take place. This could enable terrorist groups to take steps to avoid detection, and as such, confirmation or denial would be damaging to national security.

By confirming or denying any policing arrangements of this nature would render national security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure on the UK and increase the risk of harm to the public.

*Section 31 – Factors favouring confirming or denying that any other information is held:*

Confirming or denying whether any further information is held would allow the public to see where public funds have been spent and allow the Police service to appear more open and transparent.

*Section 31 - Factors against confirmation or denying that any other information is held:*

By confirming or denying whether any further information is held would mean that law enforcement tactics would be compromised which would hinder the prevention and detection of crime. Security arrangements and tactics are re-used and have been monitored by criminal groups, fixated individuals and terrorists. These security arrangements and tactics would need to be reviewed which would require more resources and would add to the cost to the public purse.

**Balancing Test**

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The security of the country is of paramount importance and the Police Service will not divulge whether any other information is or is not held if to do so would place the safety of an individual at risk or undermine National Security. Whilst there is a public interest in the transparency of policing, providing assurance that the Police Service is appropriately and effectively engaging with the threat from criminals, there is a very strong public interest in safeguarding both National Security and the integrity of the police in knowing that policing activity is appropriate and balanced in matters of National Security; this will only be overridden in exceptional circumstances.