

Public Interest Test – 796A/23

Applicable exemption:

Section 30(1) - Investigations and proceedings

Overall Harm

The force will not provide details in relation to live or concluded investigations which have not subsequently been placed in the public domain. Not only would this undermine any current investigation by identifying information that forms part of the investigation, it may also alert others who are suspected of criminal activity, and thwart any other investigations being managed as a covert operation. This in itself would disclose the Force's tactical options, undermine future operations, and also potentially disclose personal data of individuals.

Factors for Disclosure

Provision of information falling within the scope of this request would allow for better public awareness of the Police Force activities and its resources, which in itself would lead to better public debate and participation and might increase local confidence in its approach to crime prevention.

There is interest in the public being reassured that information provided to the police which may point towards the existence of criminal activity is taken seriously and that the police investigate any such matters effectively and expeditiously.

Factors against Disclosure

Information that falls within the scope of your request would have been held for one of the purposes set out in section 30(1). Consequently, it would be rare for any police force to provide information relating to a specific investigation, or current investigations as this would identify any police involvement and could prejudice law enforcement or potentially damage the criminal justice system. This is because complying with such requests would enable individuals to become aware of what the police have been informed of and/or are investigating (or not investigating) and this could enable individuals engaged in criminal activity to act to minimise the risk of being detected.

Balancing Test

The force is accountable for its actions in relation to activity and investigations undertaken; it is essential that the release of information does not breach an individual's Data Protection or Human rights, affect future investigations or damage the criminal justice process.

It is not in the public interest to disclose information that jeopardises the rights of an individual or adversely impacts on the force in performing its public service functions. When considering the balance of the public interest in relation to the application of an exemption, weight has to be given to the need to protect a public authority's ability to adopt a consistent approach when responding to similar requests in the future.

Whilst there is a public interest in the transparency of policing operations and providing assurance that the police service is appropriately and effectively engaging with the threat posed by those intent on engaging in criminal activity, at this time the potential harm to current and future investigations, and the possibility of identifying specific details of individual cases, outweighs any public benefit in disclosure.