

Public Interest Test – 624A/23

Applicable exemption

Section 31 – Law enforcement

Harm

The disclosure of the requested information would provide the public at large with details of force systems which are intended to be secure. The requested information could be used by a hostile party to plan and execute an attack on force systems. Such attacks could take the form of data theft, denial of service or other deliberate disruptions. This could not help but have the effect of reducing the ability of the police to undertake relevant activities.

Reasons for Disclosure

The disclosure of the requested information would show which software/hardware is used by the police service and reassure the public that these systems are up to date and secure.

Reasons for Non-Disclosure

Disclosure would provide those intent on disrupting police activities with enough information to plan and execute a targeted attack. This would be detrimental to the effective operation of police activities. Additional resources would be required to counter the attack and this would also have financial implications. Where systems were compromised, there is also the potential for sensitive information such as personal data, security information and other data to be made public.

Disclosure of this information would also compromise law enforcement tactics, which would hinder the Police force's ability to prevent and detect crime and could be detrimental to the effective operation of policing activities. West Midlands Police would not wish to reveal details of software that would negatively impact on the tactics and procedures used by the force as this would clearly undermine the law enforcement and investigative process. Releasing the information into the public domain would compromise the current and future law enforcement role of the force and would likely allow offenders to change their tactics in order to avoid detection and prosecution.

Balancing Test

For a public interest test, issues that favour disclosure 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 serve the greater good, if released, to the community as a whole.

We recognise that the public interest in being open and transparent is of great importance. However, the police service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, information is gathered which can be highly sensitive relating to high profile investigative activity. To release the requested information would likely have a negative impact on operational law enforcement and would put communities and individuals at risk. Weakening the mechanisms

used to monitor any type of criminal activity, would place the security of the country at an increased level of danger.

The wider public interest lies in protecting the ability of the police to utilise these techniques and use appropriate software effectively and in a proportionate manner, given that there are already a number of independent mechanisms in place to ensure that the technology is used fairly and lawfully.

Having considered the arguments for and against, I therefore consider that the public interest test favours maintaining the exclusion of disclosing the requested information. West Midlands Police will not disclose information that could compromise the current or future law enforcement role of the force.