

Public Interest Test

Exemptions - Section 31 (1) (a) (b) – Law Enforcement

Harm

Release via the Freedom of Information Act is deemed release into the public domain. Therefore, whatever information is held, would allow criminals to accurately evaluate the capability of West Midlands Police and the systems we use. Such detailed knowledge would allow criminals to make a judgement regarding the systems we use and therefore take measures to target the force.

Considerations Favouring Disclosure

Disclosing information about systems and users which are used by police would provide a greater transparency in their actions and ensure that they operate effectively and efficiently. It is clear that there is a public interest in public authorities operating in as transparent a manner as possible, as this should allow the public to understand how the force spends public money. Disclosing what systems that are employed should provide the necessary safeguards and satisfy the public interest regarding the use of systems by the police.

Considerations Favouring Non-Disclosure

Where 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. Providing information on the number of devices related to our network and security infrastructure may be more harmful inasmuch as it would reveal a picture of force capability and capacity in a highly sensitive area. If disclosed, information about such systems could identify potential vulnerabilities which could be exploited by criminals, leaving the force more susceptible to cyber-attack and hacking. Infiltration of police systems by hackers would significantly undermine the forces ability to prevent and detect crime and apprehend offenders.

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 be 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 to all and release of information may assist in the public being more aware of the work that the police are carrying out.

However, while the public interest considerations favouring disclosure are noted, this must be balanced with the impact any release would have on the operational capability tactical approach of the police.

Because the Freedom of Information Act is 'applicant blind', any information released under the Act is available to everyone. It is well documented that criminals will use every advantage they can gain to successfully carry out their criminality.

Therefore, it is my view that the public safety from non-disclosure is of greater importance than the advantage of public confidence from the disclosure of this information.

West Midlands Police will not disclose information that could compromise the future law enforcement role of the force. Therefore, it is my opinion that the public interest in maintaining the exemptions outweighs the public interest in disclosing the information