

Public Interest Test:

Section 30(2) Confidential Sources
Section 38(1) Health and Safety

Section 30(2):

Factors favouring disclosure:

There is information within the public domain confirming that police use covert human intelligence sources to assist them with investigations and the effective delivery of law enforcement. Disclosure would enhance the public's knowledge about how information relating to informants is used by West Midlands police and how the intelligence received assists in day to day investigations and operations to assist the prevention and detection of crime and the apprehension and prosecution of offenders. Disclosure would also assist in stopping any incorrect rumours or falsehoods relating to how the police store and manage how informants assist the police. It would also allow the public to determine whether the financial outlay by the force to informants is appropriate in comparison to the level of successful prosecutions.

Factors favouring non-disclosure:

Disclosure of the information requested could identify informant activity within a force area. Over a period of time if several disclosures were made, individuals could analyse the information and identify any sudden peaks or troughs in informant activity. This would hinder the prevention and detection of crime and also prejudice our ability to maintain confidential sources. Consequently, the force's future law enforcement capabilities would be affected. Similarly, the disclosure of the information would highlight when informants have been used which could place those persons, or those suspected of being an informant, in danger. The disclosure of this information would lead to informants losing confidence in the West Midlands police and would impede the recruitment of informants in the future.

Section 38(1) Health and Safety

Harm

CHIS (regardless of their motivation) provide information at particular personal risk to themselves and their families. As previous cases have shown, where a CHIS is identified it can result in substantial physical harm, or mental trauma resulting from the threat of physical harm. This problem is particularly acute in cases relating to serious crime and terrorism where the threat against individuals is substantial.

The health and safety of any individual is a matter of significant concern and importance to West Midlands police. Release of any information that could place an informant at risk of identification and thus risk of physical or mental harm is not suitable for disclosure.

Public Interest Test

Factors favouring disclosure:

Release of the information would promote openness and transparency of records held by West Midlands police.

Factors favouring non-disclosure:

The release of any information could lead to identification of any individual and consequently endanger the safety, potentially the life, of an individual.

Balancing Test

There is information within the public domain confirming that police use covert human intelligence sources to assist them with investigations and the effective delivery of law enforcement. The Police Service is tasked with protecting the community we serve and solving crime and there is a public interest argument in ensuring we are open and transparent with regard to policing investigations and operations. There is no doubt that for the issues outlined above any disclosure relating to sensitive informant information would jeopardise those important roles. Informants play a vital role in assisting the police, and is based very much on relationships built on trust and the expectation of complete confidentiality West Midlands police would never disclose information which would compromise our tactics or compromise the safety of an individual. It is therefore our opinion that the balance lies in favour of non-disclosure of the information.