

Exemption - Section 31- Law Enforcement

Harm

The disclosure of the requested information would provide the public at large with details of force systems and products which are intended to be secure. These systems and products are secure because they contain a variety of information which relates to policing activities. This information might include data relating to investigations, police intelligence and personal information. The requested information could be used by a hostile party to plan and execute an attack on force systems or the service provider. 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.

Factors favouring Disclosure

The disclosure of the requested information would show which software/hardware/ systems are used by the police service and reassure the public that these systems are up to date and secure. This would also provide reassurance to what products we use and the way in which we use them.

It is logical therefore that there is also public interest in the way the West Midlands Police handles and is able to use such data.

Considerations favouring Non-Disclosure

Disclosure would provide those intent on disrupting police activities with enough information about the products we use to disrupt our systems or even 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.

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. In this case to provide specific details of the products we use within WMP. This would allow criminals to judge the specific ability of the force and thereby change their tactics to avoid detection. This would compromise the future prevention and detection of crime.

In addition, the public has a reasonable expectation that the police service will protect their data, and any weakening of the security in place to protect this information could undermine the public's confidence in the police service. This could, in turn, reduce the public's willingness to engage with police agencies.

Ultimately any disclosure that would have a negative effect on our core functions of law enforcement would not be in the best interests of the public.

Balancing Test

For a public interest test, issues that favour release 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.

The issue of awareness is noted. However, on balance it is considered that the public interest in providing the information is outweighed by the potential impact release would have on future law enforcement activities.

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. Weakening the mechanisms used to protect this data, or providing information that would allow criminals to disrupt the service's use of this information, would not be in the public interest.

The public interest is not what interests the public or a particular individual, but what will be for the greater good if released to the community as a whole.

Having considered the arguments for and against, the public interest test favours nondisclosure 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.