

Public interest Test (PIT)**Section 24(2) National Security****Section 30(3) Investigations****Section 31(3) Law Enforcement****Harm in confirming that Information is held**

Confirming whether any other relevant information is or is not held would provide details of the procedures and capabilities of West Midlands Police. Placing this information into the public domain would provide criminals and terrorists with detailed information regarding the capabilities of the police service and thereby allow them to more fully understand the extent of the service's level of intelligence or lack thereof. Such knowledge would lead to the undermining of investigative tactics.

Therefore, confirmation or denial would form valuable intelligence for individuals with criminal intent and could be used in order to avoid detection and subsequent prosecution. Consequently, this would have a negative impact on the functionality of a system which is designed to assist officers gather evidence in order to effectively investigate offences.

In addition, any disclosure, no matter how generic, which may assist a criminal, terrorist or terrorist organisation will adversely affect public safety.

Public Interest Considerations**Section 24(2) National Security****Section 24 - Factors favouring confirming or denying that any other information is held**

It is important that the public is aware of how public funds are spent and resources distributed within an area of policing as a result of intelligence reports. Confirmation or denial of whether and other relevant information exists relating to a specific type of intelligence report / area of business would enable the general public to hold West Midlands Police to account.

Factors against confirming or denying that any other information is held

Considering the current security climate within the United Kingdom, no information (such as the citing of an exemption which confirms information pertinent to this request is held, or conversely, stating 'no information is held') which may aid a terrorist should be disclosed. To what extent this information may aid a terrorist is unknown, but it is clear that it will have an impact on a force's ability to monitor terrorist activity.

By confirming or denying any policing information of this nature would render national security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK and increase the risk of harm to the public.

Section 30(3) Investigations**Section 30 - Factors favouring confirming or denying that any other information is held**

Confirming or denying whether and other information exists relevant to this request would lead to a better-informed general public. This would promote public trust in West Midlands

Police by providing transparency and demonstrating accountability regarding police capability.

Factors against confirming or denying that any other information is held

Modern-day policing is intelligence led and West Midlands Police shares information with other law enforcement agencies as part of their investigative processes. To confirm or not whether release information on the use of intelligence submissions could hinder the prevention and detection of crime as well as undermine the partnership approach to investigations and law enforcement.

Section 31(3) Law Enforcement

Section 31 - Factors favouring confirming or denying that any other information is held

To confirm or deny that further information is held would provide transparency, it would also serve to demonstrate that West Midlands Police is open and accountable as this should ensure they operate effectively and efficiently.

Factors against confirming or denying that any other information is held

Confirming or denying whether any other relevant information is held for this request at this time would not be in the public interest and has the potential to undermine any ongoing investigation. This would ultimately hinder the prevention and detection of crime.

Police Forces rely on information being supplied by the public. Irrespective of whether information is or isn't held, by applying substantive exemptions would indicate that information is held and is currently being investigated. Such action would act as a deterrent to the public to provide intelligence to the Force which would further undermine public safety, with repercussions that could hinder the prevention of detection of crime.

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 will it serve the greater good, if released, to the wider community as a whole.

Having considered the arguments for and against, the public interest test favours maintaining the stance of neither confirming nor denying whether any other relevant information is held.

Where information does not impact on any future possible investigation, or where the detriment is not large, there is a public interest in providing information to ensure greater transparency. This is significant as it would help increase public confidence in the force, and may encourage more victims and witnesses to come forward to submit intelligence to the police. However, the police service is responsible for enforcing the law, preventing and detecting crime and protecting the communities we serve, and the confirmation or denial that any other relevant information exists may have a negative impact on operational law enforcement and may put communities and individuals at risk.

As part of the policing purpose, information is gathered which can be highly sensitive relating to high profile investigative activity. Police forces work in conjunction with other agencies and on a daily basis information is freely shared in line with information sharing protocols. Modern day policing is intelligence led and this is particularly pertinent with regard to law enforcement. Weakening the mechanisms used to monitor any type of criminal activity,

would place the security of the country at an increased level of danger. West Midlands Police will not confirm nor deny that any other relevant information is held that could compromise the future law enforcement, investigations or National Security.