

Public Interest Test

Applicable exemptions:

Section 31(1)(a)(b) - Law enforcement

Section 43(2) - Commercial interests

Harm

Release via the Freedom of Information Act (FOI) is deemed release into the public domain. Therefore, information that is released under FOI could allow criminals to accurately evaluate the capability of West Midlands Police (WMP) 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.

Disclosure would be likely to prejudice the commercial interests of the company who provide one of the systems involved and affect future procurement for the Force as the information is of a commercially sensitive nature. Disclosure is also likely to damage the relationship between WMP and the supplier involved. This may in the future reduce the number of companies tendering therefore reducing the opportunities to purchase the best services from suppliers

Considerations favouring disclosure – S31 – Law enforcement

Disclosing information about systems 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 are employed should provide the necessary safeguards and satisfy the public interest regarding the use of systems by the police.

Considerations favouring non-disclosure – S31 – Law enforcement

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. Knowledge of particular systems used by the Force would provide those intent on disrupting police activities with enough information to plan and execute a targeted attack to gain access to our systems. This would compromise the future prevention and detection of crime. It is widely known that criminals will use any method to cause disruption to large organisations, highlighting vulnerabilities and their capacity to gain access to large systems.

Factors Favouring Disclosure – Section 43 – Commercial interests

Companies which work with public authorities should be mindful of FOI legislation and should expect that some information regarding that relationship may be disclosed into the public domain, for reasons of accountability. It is written into many contracts that recorded information may be disclosed under FOI

In times of budgetary constraints, WMP has to be commercially efficient and take steps to ensure that the products and services it purchases are the best available in terms of quality and cost effectiveness. This would provide a greater transparency in the financial affairs of WMP. It is clear that there is a public interest in public authorities operating in as transparent a manner as possible and operate effectively and efficiently.

Factors Favouring Non-Disclosure – Section 43 – Commercial interests

Disclosure would be likely to prejudice the commercial interests of the company involved and affect future procurement for the Force as the information is of a commercially sensitive nature. Disclosure is also likely to damage the relationship between WMP and the supplier involved. This may in the future reduce the number of companies tendering therefore reducing the opportunities to purchase the best services from suppliers.

Releasing the average spend would be a competitive advantage for other companies.

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Balancing Test

The issues supporting disclosure have been considered however, on balance, it is considered that the public interest lies in not disclosing the information. This is due to the harm it would cause to the organisation and any future tendering processes.

WMP want to maintain the quality of the service provided, rather than encourage a situation where companies are competing solely on price. The high quality of service provided is obviously in the interest of the wider public.

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.

WMP 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.