

**Information Management Section  
IT Services Branch**

22<sup>nd</sup> February 2007

Dear XXXX

**FREEDOM OF INFORMATION REQUEST REFERENCE NO: XXXX**

I write in connection with your request for information dated 23 January 2007 concerning the following information:

- **The number of individuals identified by the National Crime Squad to GMP for further investigation and questioning (or similar) in relation to the Operation Ore investigation.**
- **The date this information was passed to GMP.**
- **The number of these individuals who have been questioned by GMP in relation to Operation Ore.**
- **The number of these individuals who have been charged with any offence in relation to Operation Ore.**
- **The number of these individuals who are still to be questioned by GMP in relation to Operation Ore.**
- **A list of the known occupations of the individuals to be questioned.**

Your request for information has now been considered and I am not obliged to supply the information you have requested.

Section 17 of the Freedom of Information Act 2000 requires Greater Manchester Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemptions applicable to the information are:

1-2. This information is exempt under Section 23(1) – Information Supplied by Security Bodies.

3-4. This information is exempt under Section 23(1) – Information Supplied by Security Bodies and Section 31 – Law Enforcement.

Operation Ore is still an ongoing nationwide investigation. The provision of the information requested will establish whether or not the operation is still active in a particular force area. This could result in the destruction and loss of evidence, or suspects taking steps to avoid arrest and/or interview in the case of forces still investigating, and the commission of more offences in areas that are not.

## **Public Interest Test**

### **Considerations Favouring Disclosure**

#### Accountability

When information disclosed relates directly to the efficiency and effectiveness of the force or its officers it is generally of benefit to the community. In this case, the release of information will enable the public to have a better understanding of the efficiency and effectiveness of the police service. There is also a public interest in releasing information that demonstrates the use of police resources.

#### Public Debate

Operation Ore has been subject to much media coverage since its inception. Awareness of the exact progress made locally would assist in a more informed and accurate public debate.

### **Considerations Favouring Non-Disclosure**

#### Ongoing Investigations

It is the Association of Chief Police Officers approach that information relating to an investigation will rarely be disclosed under the provisions of the Freedom of Information Act. Whilst such information may be released if it provides a tangible community benefit, for example, to prevent and detect crime or to protect life or property, it is hard to see how the information requested here will do so.

#### Efficient and Effective Conduct of Service

Where current or future law enforcement role of the force may be compromised by the release of information. In this case, for the reasons outlined, the information requested could jeopardise future policing operations and compromise the prevention and detection of crime.

#### Public Safety

There may be occasions where the release of information relating to public safety may not be in the public interest. Public Safety is of paramount importance to the police service and must be considered in respect of every release. In this case, information that potentially thwarts an investigation or causes more crime will adversely affect public safety.

When balancing the public interest test we have to consider whether the information should be released into the public domain. Arguments need to be weighed against each other. The most persuasive reason for disclosure is accountability which needs to be compared to the strongest negative reason, which in this case is Ongoing Investigations. In this case the information will cause the harm outlined solely because it is at a lower level.

Also, as was firmly established at the recent Information Tribunal case of the Guardian Newspaper versus the Information Commissioner and the Avon and Somerset Constabulary, the public interest in disclosure of information which is exempt by virtue of a qualified exemption, is not justified just because it is what interests the public. Disclosure requires it to be in the public interest, in that there must be some tangible benefit to the community. There is no evidence in this case to suggest that this is achieved by the provision of the statistics requested.

5-6. Greater Manchester Police can neither confirm nor deny that it holds the information you requested as the duty in S1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions: Section 23(5) – Information Supplied by Security Bodies and Section 31(3) – Law Enforcement.

The Freedom of Information Act makes it a legal requirement that an authority has to not only provide information, unless it is exempt, but to also confirm whether or not that

information is held, unless to do so would in itself provide exempt information. In this case to confirm or not that the number still to be questioned, or their occupations is even held, will actually provide confirmation as to the status of the investigation.

To the extent that this exemption applies, we have determined that in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in confirming whether we hold the information.

In addition to the explanation already given, I can also add, without disclosing exempt information that in considering your response I have had to take into account a much broader picture than just what information this force does or does not hold.

You should also be aware that even if we were in a position to confirm its existence the absolute Section 23 – Information Supplied by Security Bodies exemption would still apply.

#### Complaint Rights

Your attention is drawn to the attached sheet, which details your right of complaint.

Yours sincerely,