

Date: 19/08/2024
Our ref: 01/FOI/24/013131/V

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 01/FOI/24/013131/V

I write in connection with your request for information dated 19/08/2024, received by Greater Manchester Police (GMP) for the following information:

*I am requesting the file/information on my deceased mother [REDACTED]
I believe an injunction was issued on my brother [REDACTED] to stay away
from [REDACTED] as he was threatening my mother whilst she was alive.*

Result of Searches

Greater Manchester Police can neither confirm nor deny that it holds the information you requested as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemption:

Section 38(2) – Health and Safety

With Section 38 being prejudice based qualified exemptions there is a requirement to articulate the harm that would be caused in confirming or denying that the information is held as well as carrying out the public interest test.

Harm

Any information disclosed under the Freedom of Information Act is effectively released into the public domain, or to the 'wider world' and not only to the person making the request.

This request is seeking information regarding a named person whom you have stated is now deceased. As Section 40 is only appropriate for living individuals, it is not engaged for this request and therefore Section 38 is relied upon.

Factors Favouring Confirmation or Denial – Section 38

Confirmation or denial of the existence of the information would promote openness and transparency.

Factors Against Confirmation or Denial – Section 38

Confirmation or denial of the information relating to a deceased person would identify the individual and could subsequently cause distress and upset to the individual's close family and friends.

Balance Test

The release of information under Freedom of Information (FOI) is a release into the public domain and not just to the individuals requesting the information. Once information is disclosed under FOI there is no control or limits as to who or how the information is shared with other individuals, therefore a release under FOI is considered a disclosure to the world in general.

Confirmation or denial of whether Greater Manchester Police hold this information would amount to a release of information either on this occasion or on other occasions where a similar request is made. Whilst there is a public interest in the transparency of any information recorded by the police, there is also a strong public interest in maintaining confidence in GMP with regards to its handling of information. Information should not be released, if it is likely to have a detrimental effect on the physical or mental health of any individual, this includes the close family and friends of a deceased individual. It is for these reasons that the public interest must favour neither confirming or denying that the requested information is held.

However, this should not be taken as conclusive evidence that the information you requested exists or does not exist.