

Date: 26/07/2024
Our ref: 01/FOI/24/012993/D

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 01/FOI/24/012993/D

I write in connection with your request for information dated 25/07/2024, received by Greater Manchester Police (GMP) for the following information:

Hi my son passed away through an accident that took place on the [REDACTED] he passed away on the [REDACTED] I'm requesting all the calls and the time it took to get to my son it happened on [REDACTED] Wythenshawe his name is [REDACTED] please could you get these all sent out to my self

I'm [REDACTED] - I didn't make any calls I want all the calls that was made by the public any evidence for that day ambulance calls police calls how long it took to respond also I have attached the death

We have reviewed your request and considered it under the provisions of the Data Protection Act and Freedom of Information Act. Unfortunately, we are unable to provide you with the information you have requested in accordance with these information access routes. The reasons for this decision are set out below.

Data Protection Act 2018

The Data Protection Act (DPA) facilitates individuals' rights to personal data through the right of access provisions. Section 3(2) of the DPA defines personal data as information relating to an "identified or identifiable living person". As your request relates to information about an individual who is deceased, this means that your request cannot be considered under the access provisions of the DPA as it does not relate to personal data. Your request is therefore refused under the DPA.

Freedom of Information Act 2000

The Freedom of Information Act (FOIA) allows access to recorded information held by a public authority. Greater Manchester Police is a public authority defined by the FOIA and information we hold relating to deceased persons falls within the scope of this Act which may be considered for release. Your request has therefore been considered under the provisions of the FOIA.

Result of Searches

Following receipt of your request searches were conducted within Greater Manchester Police (GMP) to locate the requested information and I can confirm the information requested is held by GMP.

However, I am not obliged to supply this information held as exemption applies. The request is exempt from disclosure by virtue of the following exemptions:

Section 40(2) Personal Information Section 38 (1)(a) - Health & Safety

Section 17 of the Freedom of Information Act 2000 requires Greater Manchester Police, when refusing to provide such information (because this 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.

Request for calls from the public have been exempted from disclosure under **Section 40(2) Personal Information** – this information constitutes personal data of an identifiable living individual, and to disclose this information would breach the principles of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. Personal data is defined by Section 1 of the Data Protection Act 2018 and means data that relates to an individual who can be identified directly or indirectly from that data.

Section 38(1)(a) is a prejudice based qualified exemption; there is a requirement to articulate the harm that would be caused in disclosing such information as well as carrying out a public interest test, which can be seen below.

Harm as per Section 38

This Act provides the public with a general right of access to recorded information held by public authorities. However, information disclosed under this Act is effectively released into the public domain, or to the 'wider world', and not only to the person making the request.

The pain and suffering caused to the victims' surviving families and friends is unquestionably as profound now as it was when the incident took place.

To disclose the exempt information into the public domain would undoubtedly have an impact on the health and safety of the family members of the deceased individual. Disclosing such information could cause further distress and hurt to grieving families, many of who would no doubt still be greatly traumatised by the events. Such information being disclosed could resurface these traumatic experiences and cause the individuals families to again revisit this most terrible period of their lives.

Protecting the safety of the public is of paramount importance to Greater Manchester Police and information that would compromise such health and safety would not be disclosed within a response to a Freedom of Information request.

Section 38 - Factors favouring disclosure

There may be occasions when it is appropriate to disclose information that would have an impact on the health and safety of an individual or the public in general. In this particular case, I cannot identify any benefit to the wider public (in terms of health and safety) to disclose such sensitive details.

There are, however, more general arguments that must be considered such as openness and transparency, which would lead to a more informed public.

Section 38 - Factors favouring non-disclosure

Although some information may already be in the public domain and that information relates to deceased persons, under Freedom of Information Act the disclosure is to the world at large with no

specific controls, disclosure carries the potential risk of causing significant mental and physical harm and distress to the loved ones and friends of the deceased.

Balancing test

When balancing the public interest Greater Manchester Police has 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 disclosing the information would be openness. This needs to be weighed against the strongest reason for non-disclosure which is concerns for the health and safety, both mental and physical, of family and friends of the deceased.

Having considered all the factors for and against disclosure it is my belief that in this case, the reason against disclosure outweighs the reason for disclosure and so the decision at this time to maintain the above exemption and withhold the information from disclosure