

Date: 9th December 2024
Our ref: FOI/24/013758/Y

FREEDOM OF INFORMATION REQUEST REFERENCE NO: FOI/24/013758/Y

I write in connection with your request for information dated 30/11/2024, received by Greater Manchester Police (GMP) for the following information:

Precisely what time is the scene in the following video, shot inside the City Room at the Manchester Arena attack, visible on the CCTV recordings?

***** LINK REMOVED *****

For reference you can look for the lady who walks across the room with the blood stain on her jeans.

I am not requesting CCTV imagery, only the time at which that exact scene is visible on the CCTV recordings.

If it is possible, I would also request one CCTV still showing the woman I mentioned walking across the room along with the CCTV timestamp info, and everything else can be redacted.

Result of Searches

Greater Manchester Police neither confirms nor denies that it holds information relevant to this request by virtue of the following exemptions:

Section 30(3) – Investigations
Section 38(2) – Health and Safety
Section 40(5) – Personal Information

Section 30 is a class based qualified exemption and consideration of the public interest must be given as to whether neither confirming nor denying information exists is the appropriate response.

Section 38 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.

Section 40 is a class based absolute exemption and there is no requirement to evidence the harm or consider the public interest.

Harm as per Section 38

By confirming or denying if the requested information exists would be considered a broadcast to the world and GMP would have no control as to who goes on to see it as a result. It would also be seen as GMP authenticating the footage which is circulating in the public domain.

The pain and suffering caused to the victims' is unquestionably as profound now as it was when the attack took place and to confirm or deny the information exists would undoubtedly have an impact on the health and safety of the victims.

Section 38 – Factors favouring confirming or denial

There may be occasions when it is appropriate to confirm or deny if the requested information is held by the force. In this case, I cannot identify any benefit to the wider public (in terms of health and safety) to confirm or deny 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 against confirming or denial

Although some information might be in the public domain, by confirming or denying any information relating to the video would be GMP publicly acknowledging the videos authenticity.

Confirming or denying any information exists relating to this request carries the potential risk of causing significant mental and physical harm and distress to the surviving victims.

Section 30 – Factors favouring confirming or denial

Confirming or denying whether information exists relevant to this request would lead to a better-informed general public This would further promote public trust in providing transparency and demonstrating openness and accountability.

Section 30 – Factors against confirming or denial

Confirming or denying information is held could undermine any future investigation which seek to establish what other evidential material is held by the Force (outside that which has already been publicly confirmed).

Balance Test

When balancing the public interest test, we have to consider whether the information should be released into the public domain. Arguments needed to weighed against each other. The most persuasive reason for the disclosure of the information is transparency and openness, which needs to be weighed against the strongest reason for non-disclosure which in this case is the victim's health and safety and undermining any future investigation. Therefore, taking into account the arguments above, it is our opinion that for these reasons the balance test favours neither confirmation or denial that the requested information is held or exists.

Section 40(5)- Personal Information – giving information to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the principles of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

To confirm that any information is held or not, could confirm personal data. In some circumstances confirming or denying whether information is held could itself identify a living individual and would therefore breach the principles of the GDPR and the Data Protection Act 2018.

Personal data is defined by Article 4 of the GDPR and Part 1 of the Data Protection Act 2018 and means any information relating to an identified or identifiable natural person ('data subject'). An identified natural person is one who can be identified directly or indirectly from that data.

In accordance with the Act, this letter represents a Refusal Notice for this particular request. No inference can be taken from this refusal that information does or does not exist.