

Date: 25th June 2024
Our ref: FOI/24/012728/O

FREEDOM OF INFORMATION REQUEST REFERENCE NO: FOI/24/012728/O

I write in connection with your request for information dated 31/05/2024, received by Greater Manchester Police (GMP) for the following information:

I am seeking further information about/access to photographic records surrounding the excavation scene of the body of Lesley Ann Downey from Saddleworth Moor in October 1965 in the context of the Moors Murders investigation. I am aware that the National Archives at Kew may have some holdings in this area, but I have not been able to verify this as yet. The images are being sought in the context of a significant writing project about the case by the applicant, who is a professional author

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 provide the information requested as exemption applies.

Section 17 of the Freedom of Information Act 2000 requires GMP, 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 exemption that applies are:

Section 38(1)(a)(b) Health and Safety.

Section 38(1)(a)(b) 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 crimes took place.

To disclose the exempt information into the public domain would undoubtedly have an impact on the health and safety of the surviving family members of the victims.

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 victim's 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, due to the nature of the crimes committed, and that disclosure under Freedom of Information Act is disclosure 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 his/her victims.

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 victims.

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.