

Date: 03/10/2024
Our ref: 01/FOI/24/013322/A

Your recent Freedom of Information Request – Reference 01/FOI/24/013322/A

GMP have received details of your request for information. Details of your request are provided below:

We require all information held by Manchester Police in relation to the investigation surrounding the death of [REDACTED] including all incidents relating to those involved both before and after the subject's 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.

Results

Following receipt of your request searches were conducted within Greater Manchester Police and I can confirm the information requested is held, however I'm not obliged to provide the data 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 is **Section 38(1)(a)(b)** 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

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 crime 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 victim.

Disclosing such information could cause further distress and hurt to grieving families, many of whom 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.

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 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.

Factors Against Disclosure

Although some information may already be in the public domain and that information relates to deceased persons, due to the nature of the crime 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 the victim.

Balance Test

When balancing the public interest Greater Manchester Police must 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 victim.

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.