

Date: 10th September 2024
Our ref: FOI/24/013225/A

FREEDOM OF INFORMATION REQUEST REFERENCE NO: FOI/24/013225/A

I write in connection with your request for information dated 05/09/2024, received by Greater Manchester Police (GMP) for the following information:

COULD YOU KINDLY PROVIDE SERVICE RECORDS FOR VEHICLE [REDACTED]

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 exemptions:

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 data protection principles of 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 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 31(3) – Law Enforcement - is a prejudice-based and qualified exemption. There is a requirement to articulate the harm confirmation or denial that any other information is held as well as consider the public interest, which are explained below.

Harm:

Any disclosure under FOI is a release to the public at large. Under the Act, we cannot, and do not request the motives of any application for information. We have no doubt that the vast majority of requests made under the Act are legitimate and the applicants do not have any ulterior motives. Whilst not questioning the motives behind this specific request, confirming or denying that information is held would impact on the law enforcement capabilities of Greater Manchester Police in the prevention/detection of crime. Policing is always around ensuring the public's safety, but more importantly that any potential criminal could be aware of what vehicles may belong to the force in a covert role, that contravene with preventing and detecting crime.

The risk of danger to the public would be increased by revealing such policing tactics into the public domain. The safety of the public we protect is of paramount importance to Greater Manchester Police and we would not wish to jeopardise that safety by confirming or denying that information is held.

Public Interest Test:

Factors favouring Neither Confirming or Denying for Section 31 - By confirming or denying if the vehicle belongs to Greater Manchester Police would lead to a better informed public. The public are entitled to know what public funds are spent on and what measures are in place.

Factors against Confirming or Denying for Section 31 - Confirming or denying that any information is held regarding the vehicle or any other fleet information, would have the effect of compromising law enforcement tactics. It has been recorded that FOIA releases are monitored by criminals and terrorists and so to confirm or deny information is held would lead to law enforcement being undermined.

Balancing Test:

The security of the members of the public is of paramount importance and Greater Manchester Police will not divulge whether any information is or is not held regarding service records of a particular vehicle, if to do so would place the safety of an individual at risk, compromise law enforcement.

Whilst there is a public interest in the transparency of police funding and providing assurance that the Greater Manchester Police is appropriately and effectively managing the resources, there is a very strong public interest in safeguarding the integrity of police investigations and all areas of operations carried out by local police forces.

As much as there is public interest in knowing that policing activity/fund is appropriate and balanced this will only be overridden in exceptional circumstances. The use of vehicles can be a sensitive issue that would reveal police tactics and therefore it is our opinion that for these issues the balancing test for confirming or denying whether any information is held regarding the vehicle or any other fleet information, is not made out.

However, this should not be taken as necessarily indicating that any information that would meet your request exists or does not exist.