

Date: 11th September 2024
Our ref: FOI/24/012950/S

FREEDOM OF INFORMATION REQUEST REFERENCE NO: FOI/24/012950/S

I write in connection with your request for information dated 17/07/2024, received by Greater Manchester Police (GMP) for the following information:

I am writing to request access to personal data under Article 15 of the UK General Data Protection Regulation (UK GDPR) and Section 45 of the Data Protection Act 2018. This request pertains to corrupted CCTV data reported by GMP and any associated information, reports, and internal communications.

***The details of my request relate to all BWV/CCTV footage (including custody detention log and other data) captured from: [REDACTED] to: [REDACTED]
[REDACTED], as they relate to myself [REDACTED].***

1. Copy of Corrupted data:

○ ***A full copy of the corrupted CCTV data recorded in the custody suite and cell during the relevant times. Although the footage is allegedly not viewable via ordinary video codecs, I request that all data, including corrupted segments, be provided as it forms part of a data set.***

2. Information Officer's Notice or Report:

○ ***A copy of the notice or report generated by the Information Officer who discovered that the footage had been corrupted. This should include the date and time of the discovery and any actions taken subsequently.***

3. Error Reports from the System:

○ ***Any error report generated by the system which held the corrupted footage. This should detail the size of the error, the type of error, the time and date of the error, and any technical details related to the error.***

4. Internal Memos or Reports:

○ Any internal memos or reports generated by GMP staff regarding the corrupted data. This should include communications between staff members and any investigations or findings related to the corrupted footage.

5. Self-Referral to ICO:

○ Any self-referral made by GMP to the Information Commissioner's Office (ICO) in respect of this data loss. This should include the date of the referral, the details of the data loss reported, and any correspondence with the ICO.

6. Additional Relevant Information:

a) Any other documents or records that contain personal data related to the corrupted CCTV footage. This may include but is not limited to, system logs, maintenance reports, technical assessments, and emails.

b) All documents and records for the systems error that resulted in the retrospective custody detention log entries. This may include but is not limited to, system logs, maintenance reports, technical assessments, emails, an internal record of the malfunction being flagged, contractors being called to remedy it, an invoice being raised for works carried out and the settling of the contractors invoice.

c) A full digital/electronic footprint for issues relating to the servers and the system malfunction that resulted in corrupted CCTV and retrospective custody detention log entries. This is to include but not be limited to, issues relating to BWV/CCTV footage timestamps and any other information which indicates the state of the IT systems in use at the times pertinent to my data records.

d) The unredacted custody detention log. The BWV from [REDACTED] (footage from van dock to cell - period in between missing) and departure footage on [REDACTED]

7. Radio Traffic and calls:

○ All radio traffic by officers relating to ref [REDACTED], from the time the concern for welfare was reported, to the time the officers arrived/remained at my property and whilst I was with them. This is to include but not be limited to the officers call/contact with the Tactical Advice Service (TAS) [REDACTED]

Your information request falls within the scope of both the Freedom of Information Act and the Data Protection Act. The response below concerns the information you are entitled to under the Freedom of Information Act. The parts of your request which fall within the Data Protection Act as a Subject Access request have been responded to in a separate correspondence.

Response to questions

Question 1 – This question has been dealt with under the Data Protection Act.

Question 2 – Exempt. Please see below.

Question 3 – No information held.

Question 4 – Exempt. Please see below.

Question 5 – This question has been dealt with under the Data Protection Act.

Question 6a – c – Exempt. Please see below.

Question 6d – This question has been dealt with under the Data Protection Act.

Question 7 – This question has been dealt with under the Data Protection Act.

Please note, your questions regarding Greater Manchester's Police's compliance with the data protection principles does not constitute a valid request under the Freedom of Information Act nor the Subject Access provision of the Data Protection Act.

Results of Searches

Following receipt of your request searches were conducted within Greater Manchester Police (GMP) to locate the requested information. The information below explains why we are unable to provide you with the information you have requested, and how we consider that an exemption under the Freedom of Information Act applies to withhold the information. For some information, we are unable to confirm or deny whether information is held. Where we have engaged an exemption, we explain how we have considered the harm in releasing the information, the balancing test and the public interest in making the disclosure, which the legislation requires us to do.

Question 2 and Question 4 response:

In relation to **question 2 and 4** the information requested is exempt from disclosure by virtue of **Section 31(1)(g) by virtue (2)(b) – Law Enforcement**

Section 31 is a qualified and prejudice-based exemption and as such, subject to a harm and public interest test.

Harm

To provide the information relevant to questions 2 and 4 would disclose information directly relevant to the Independent Office of Police Conduct (IOPC) investigation currently underway concerning Greater Manchester Police. We consider that disclosure of any information we hold relating to an ongoing investigation conducted by the IOPC would be likely to prejudice the outcome of the investigation and the IOPC's ability to conduct an impartial investigation, which would have a detrimental impact on the IOPC's core purpose of improving public confidence in the police complaints system and overseeing police conduct. The IOPC's remit includes investigating the most serious matters, setting standards for the handling of police complaints by police forces and using learning from investigations to bring about change in the public interest.

Public Interest Test

Factors Favouring Disclosure

To disclose information relevant to question 2 and 4 would provide the public with slightly more in-depth knowledge into how Greater Manchester Police operates and may lead to further information being provided to the force. We accept that there is a legitimate and important public interest in publishing information about investigations into the conduct of police officers, as this serves to inspire public confidence around the police complaints process. In turn this would serve the public interest in openness and in accountability from decision making and the use of public funds.

Factors Favouring Non-Disclosure

Conversely to the factors in favour of disclosure, to disclose information relating to investigations being conducted by the IOPC could be prejudicial to the core principles of the IOPC of improving public

confidence in the police complaint system, which includes investigating the most serious matters, setting standards for the handling of police complaints by police forces and using learning from investigations to bring about change in the public interest.

The protection of individuals who co-operate with the police ensures that people are not deterred from making statements or reports by the fear that they may be publicised. Accordingly, confidentiality in these circumstances serves to promote effective investigations. In general, these factors mean that preserving confidentiality should normally be maintained in respect of the investigation process and the evidence it produces.

Balance Test

The arguments for and against disclosure of information need to be weighed against each other. In this case the greatest argument for disclosure is the fact that the populous would be provided with information regarding how the police force operate.

However, given that the disclosure would prejudice investigations and deter individuals from co-operating with the police for the purpose of investigations, the balance of disclosure, at this time, weighs on non-disclosure for this part of your request.

This letter acts as a refusal notice for question 2 and 4 of this request.

Question 6 response:

For **questions 6a – c**, 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 exemption:

Section 31 (3) – Law Enforcement

Section 31 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 by revealing potential weaknesses in GMP's systems.

Protecting the public is of paramount importance to GMP and by confirming or denying if this type of data is held could potentially compromise personal information GMP hold. As such, GMP will not confirm any information which will jeopardise the organisations' ability to protect the public.

Public Interest Test

Factors favouring Neither Confirming or Denying for Section 31

By confirming or denying if a system error occurred would show GMP's accountability, openness, and transparency with regards to systems used within GMP.

Factors against Confirming or Denying for Section 31

Confirming or denying that any information is held regarding specific GMP systems, and their functionality could highlight potential weaknesses into the public domain. Confirming or denying this information could lead to potential cyber-based attacks by those intent on committing cyber-based crimes. As such, these potential attacks would compromise law enforcement tactics by putting the public and their personal information at risk.

Safety of the public is of paramount importance to the force and a major part of the policing purpose, therefore GMP will not disclose any information which could encourage crimes to be committed and risk enforcing the law and protecting the public.

Balance 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 GMP systems, if to do so would place the safety of an individual and their personal data at risk and compromise law enforcement.

The use of systems and their functionality 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 system, is not made out.

This should not be taken as necessarily indicating that any information that would meet **question 6** of your request exists or does not exist.