



Date: 08/03/2025
Our ref: 01/FOI/25/014155/G

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 01/FOI/25/014155/G

I write in connection with your request for information dated 06/02/2025, received by Greater Manchester Police (GMP) for the following information:

I was 7 years old when my father [REDACTED] was killed. My mother never talked to me about it and since she passed in September 2024, I feel I want to know what happened. Was anyone ever charged and if so what happened? Is the case closed or still open?

Result of Searches

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

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 30(3) – Investigations and proceedings conducted by the public authority** and **Section 38(2) – 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.

Section 30 – Factors favouring complying with Section 1(1)(a) confirming or denying information is held:

Confirming or denying whether any other information exists relevant to this request, would lead to a better-informed public by identifying that GMP robustly investigate all aspects of offending. This fact alone may encourage individuals to provide intelligence to assist with investigations and promote public trust in providing transparency and demonstrating openness and accountability into where the police are currently focusing their investigations.

Section 30 - Factors against complying with Section 1(1)(a) neither confirming nor denying information is held:

Confirmation or denial that any other information is held for this request, would suggest GMP take their responsibility to appropriately handle and manage intelligence supplied to them flippantly. Under the Freedom of Information (FOI) Act, there is a requirement to comply with Section 1(1)(a) and confirm what information is held. In some cases, it is that confirmation, or not, which could disclose facts which would undermine the investigative process, and in such cases, GMP takes advantage of its ability under FOI legislation to, where appropriate, neither confirm nor deny that information is or is not held. Irrespective of what information is or isn't held, any information which could be used to undermine prosecutions or aid offenders to continue with their criminality, is not in the public interest.

Section 38 - Harm

Any information disclosed under the Freedom of Information Act is effectively released into the public domain, or to the 'wider world' and not only to the person making the request.

This request is seeking information regarding a named person whom you have stated is now deceased. As Section 40 is only appropriate for living individuals, it is not engaged for this request and therefore Section 38 is relied upon.

Section 38 - Factors Favouring Confirmation or Denial

Confirmation or denial of the existence of the information would promote openness and transparency.

Section 38 - Factors Against Confirmation or Denial

Confirmation or denial of the information relating to a deceased person would identify the individual and could subsequently cause distress and upset to the individual's close family and friends.

Balance Test

The release of information under Freedom of Information (FOI) is a release into the public domain and not just to the individuals requesting the information. Once information is disclosed

under FOI there is no control or limits as to who or how the information is shared with other individuals, therefore a release under FOI is considered a disclosure to the world in general.

Confirmation or denial of whether Greater Manchester Police hold this information would amount to a release of information either on this occasion or on other occasions where a similar request is made. Whilst there is a public interest in the transparency of any information recorded by the police, there is also a strong public interest in maintaining confidence in GMP with regards to its handling of information. Information should not be released, if it is likely to have a detrimental effect on the physical or mental health of any individual, this includes the close family and friends of a deceased individual. It is for these reasons that the public interest must favour neither confirming or denying that the requested information is held.

However, this should not be taken as conclusive evidence that the information you requested exists or does not exist.