

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 13 February 2023

**Public Authority:** West Mercia Police

**Address:** Hindlip Hall Police Headquarters  
Hindlip Hall  
Worcester  
WR3 8SP

#### **Decision (including any steps ordered)**

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1. The complainant requested information relating to speeding vehicles at a specific location. West Mercia Police (WMP) disclosed some information and withheld other information under the exemptions for law enforcement (section 31) and personal data (section 40).
2. The Commissioner's decision is that sections 31(1)(a) and (b) are properly engaged and that the public interest favours maintaining the exemption.
3. The Commissioner does not require any steps to be taken.

## Request and response

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4. On 1 November 2022, the complainant wrote to West Mercia Police (WMP) and requested the following information:

"Q1 Between Hopton Bank Garage and Augernil Fruit Farm, please provide copy reports, emails, letters relating to Hopton Bank A4117 at Hopton Wafers between West Mercia Police and Shropshire Council and local Parish Groups and resident groups over the past 6 years from 2017-18 to 2021-22.....

Q2 Between Hopton Bank Garage and Augernil Fruit Farm, please provide copy of Police speed reports over the last 6 years from 2017-18 to 2021-22.

Q3 Between Hopton Bank Garage and Augernil Fruit Farm, please provide the number of Motorbike or cars reported speeding by Police over the past 6 years from 2017-18 to 2021-22."

5. WMP responded to parts Q2 and Q3 of the request. It disclosed some information in part Q1 of the request and withheld other information under the exemptions for law enforcement (section 31) and personal data (section 40).

## Reasons for decision

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6. The complainant has asked the Commissioner to determine whether WMP correctly applied section 31(1) to withhold some of the information in part Q1 of their request.

### Section 31 – law enforcement

7. Section 31(a) and section 31(b) state:

"Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

(a) the prevention or detection of crime,

(b) the apprehension or prosecution of offenders..."

8. The withheld information consists of correspondence and other information relating to speeding falling within the parameters set in part Q1 of the complainant's request.

9. WMP has stated that disclosing information that prejudices the prevention or detection of crime or the apprehension or prosecution of offenders would allow more crime to be committed, law enforcement tactics to be compromised and criminal activity to increase.
10. WMP has argued that disclosing information relating to operational capabilities or activities are details which a criminal would use to delay (or stop) their apprehension, and once apprehended reduce the ability of investigators to find evidence of their crimes. WMP considers that this would lead to offenders evading justice and presenting continuing public risk.
11. WMP has also argued that disclosing the requested information would give individuals the intelligence required to disrupt police activity and increase the capability of criminals to offend. It considers that, in disclosing information provided by third parties, this would also undermine partnership working which assists WMP in preventing and detecting crime.
12. WMP has further argued that modern-day policing is intelligence led and the focus and content of intelligence changes on a day-to-day basis. Disclosing the requested information would show where policing interest has or has not been in a specific area and this would enable those engaged in criminal activity to identify the focus of WMP targets. WMP considers that disclosure would undermine its operational integrity, adversely affect public safety and have a negative impact on both national security and law enforcement.
13. In considering the application of the exemption in this case the Commissioner has also considered the complainant's arguments and the stance he has taken in previous decision notices.
14. The complainant has suggested that the information has nothing to do with the prevention of crime but that it is solely concerned with safety. The Commissioner recognises the complainant's point and the focus of the request, however, it is clear that the requested information relates to speeding which is defined as a crime.
15. In previous decision notices which relate to requests for information which relate to speeding offences at specific locations the Commissioner has consistently found that the exemptions at section 31(1)(a) and section 31(1)(b) is engaged. Having considered the facts of this case and referred to these previously issued decision notices, the Commissioner is satisfied that the exemptions are engaged in this case.

## **The public interest test**

16. In reaching a conclusion on the balance of the public interest in this case the Commissioner has taken into account the public interest inherent in the exemption, that is the public interest in avoiding likely prejudice to the prevention or detection of crime and the apprehension or prosecution of offenders. He has also considered the general public interest in the transparency and accountability of the public authority as well as the specific circumstances and arguments that apply in relation to this case and the information in question.
17. The complainant has argued that there is a public interest in knowing what information WMP holds in order to determine whether it is carrying out its duties in relation to the safety of road users. The complainant has also suggested that WMP is deliberately and wrongly withholding information and that another local council is taking the same approach.
18. WMP has confirmed that, in this case, it balanced the public interest in transparency and public awareness against the public interest in ensuring that it is able to effectively enforce the law and protect the public.
19. The Commissioner accepts that the subject matter of this case is of general interest to the public. It is of interest to ascertain how effective the Police are at acting on information available to them in prosecuting crime and protecting public safety. He notes that WMP disclosed some information to the complainant in this case and he considers that this goes some way to address the public interest in this matter.
20. In relation to the complainant's suggestion that WMP has wrongly withheld information the Commissioner considers that the complainant submitted their complaint for the Commissioner to determine whether this is the case. He does not see that this represents a specific public interest argument. He is also unable to comment on the approach taken to requests by other authorities in this context.
21. The Commissioner has already accepted that disclosing the information would result in prejudice to WMP's ability to prevent or detect crime and to prosecute offenders. He considers that the increased likelihood that the law would be broken as an indirect consequence of the release of the requested information is, of itself, a powerful public interest argument in favour of withholding the information.
22. The Commissioner is sympathetic to the complainant's concerns about safety, however, he considers that disclosing the information in this case would negatively impact on road safety for the reasons set out above.

23. Having considered facts of this case and referred to the public interest conclusions reached in the previous decision notices cited at paragraph 15 above, the Commissioner has concluded that the public interest in maintaining the exemption at sections 31(1)(a) and (b) outweighs the public interest in disclosing the withheld information

## Right of appeal

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24. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963  
Fax: 0870 739 5836  
Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

25. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

26. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Christopher Williams**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**