

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 11 December 2014

**Public Authority:** Commissioner of the Metropolitan Police Service

**Address:** New Scotland Yard  
Broadway  
London  
SW1H 0BG

### Decision (including any steps ordered)

---

1. The complainant has requested information about live police operations concerning historical sexual offences. The Metropolitan Police Service (the "MPS") has provided a small amount of information and confirmed it did not hold some information but either withheld, or refused to confirm or deny holding, the remainder, citing the following exemptions: 30(1)(a)(i) and (3) (investigations and proceedings), 31(1)(a) and (b) and (3) (law enforcement), 40(2) and (5) (personal data) and 23(5) (relating to security bodies). The Commissioner is satisfied that it was entitled to rely on sections 30(1)(a)(i), 30(3) and 31(1)(a) & (b) and that the public interest lies in maintaining these exemptions. No steps are required.

### Background

---

2. In responding to the complainant's request the MPS provided the following information:

*"Operations Fairbank and Operation Fernbridge are ongoing investigations concerning child abuse. Operation Cayacos is a strand of these investigations. The Enquiry Team is based at the MPS Empress State Building in Earls Court. Information regarding Operation Fairbank and Operation Fernbridge is in the public domain. Please see the link below for an example:*

[http://content.met.police.uk/News/Two-men-arrested-as-part-of-Operation-Fernbridge/1400014947847/1257246745756?scope\\_id=1257246764279](http://content.met.police.uk/News/Two-men-arrested-as-part-of-Operation-Fernbridge/1400014947847/1257246745756?scope_id=1257246764279)

*Information has also been previously provided under the Act. The internet links below are Freedom of Information Act request responses which include statistical information about staffing numbers for Operation Fernbridge, arrests and lines of enquiries made.*

[http://www.met.police.uk/foi/pdfs/disclosure\\_2013/apr\\_2013/2013010002957.pdf](http://www.met.police.uk/foi/pdfs/disclosure_2013/apr_2013/2013010002957.pdf)

[http://www.met.police.uk/foi/pdfs/disclosure\\_2013/may\\_2013/2013030000683.pdf](http://www.met.police.uk/foi/pdfs/disclosure_2013/may_2013/2013030000683.pdf) "

## **Request and response**

---

3. On 7 May 2014, the complainant wrote to the MPS and requested information in the following terms (it was not originally numbered; numbers have been added for convenience):

*"1) Can you provide me with current details on Operation Fairbank / Fernbridge / Cayacos concerning its developments.*

*2) Can you tell me how many people have been questioned as a witness*

*3) Can you tell me how many people have been questioned as a suspect*

*4) Can you tell me the names of those suspects*

*5) Can you confirm the street number on Avondale Road - Mortlake that is linked to Elms Guest House in Barnes South London.*

*6) Can you confirm that the police investigation is looking at [name redacted].*

*7) Can you confirm that MI5 is [sic] been trying to sabotage the police investigation either by pretending to be newspaper reporters etc etc.*

*8) Can you confirm [name redacted] vip list is genuine and that list of people are been investigated.*

- 9) *Can you confirm that Thorn Garth School now closed in Idle in Bradford is linked to Fernbridge and how is this linked?*
- 10) *Can you confirm that the MET is [sic] been interviewing suspects or witnesses abroad.*
- 11) *Can you confirm that Special Branch ( SO12 ) was involved in a previous investigation into Elms Guest House in 1982.*
- 12) *Can you explain why a 1991 police investigation into Elms Guest House was stopped after 4 months.*
- 13) *Can you reveal the address in Leicester that 7 boxes of evidence lead to the arrest of former P.I.E member [name redacted] in Sherborne in Dorset in 2013.*
- 14) *Can you confirm that Operation Fernbridge as [sic] spoken to former convicted sex offender [name redacted] at his Central London flat in 2013 at his request.*
- 15) *Can you confirm that you have obtained material from a 1982 HMRC seizure at Dover that is linked to [name redacted] who is another former sex offender.*
- 16) *Can you confirm that seized 1982 video contains a former cabinet minister abusing a child.*
- 17) *Can you confirm that you have seized a 2nd video that appears to have a former cabinet minister attending a child sex party and that same minister is also in that 1982 video.*
- 18) *Can you confirm any other addresses that children were sent to before been abused at Elms Guest House like Avondale Road address.*
- 19) *Can you confirm any other locations in the UK that is [sic] been investigated with linked [sic] to the 3 police operations and if so please go into details on this.*
- 20) *Can you confirm that you had a secret meeting with Dutch police on the Isle of Wight in 2013.*
- 21) *Can you confirm any other secret meetings with the Dutch police and when these were done and the locations.*
- 22) *Can you confirm you are investigating [name redacted].*

*23) Can you confirm that Operation Circus police investigation in the 90's set-up by the MET is linked to this current investigation and if so why please.*

*24) Can you confirm any other past police investigation is linked to the 3 current cases if so how and who are you looking at. Will you name people arrested for questioning even thou [sic] not charged please.*

*25) Can you confirm that [name redacted] who [sic] name appears on [name redacted] Vip list who [sic] now been arrested and currently on police bail by Operation Yewtree was arrested due to Operation Fernbridge or Fairbank.*

*26) Can you confirm that Fernbridge or Fairbank as [sic] passed any other police files onto other police forces or police operations like Pallial or Yewtree if so when and why and who files have been passed over [sic] please.*

*27) Can you confirm how many police officers are actively investigating these 3 police operations and how much has cost the MET currently.*

*28) Can you provide full contact details of all police officers investigating these claims including email addresses*

*29) Can you confirm the location that Operation Fernbridge - Fairbank - Cayacos are based at.*

*30) Is there a 4th Police Operation set-up due to Elms Guest House if so what is it called and when was it created and its purpose".*

4. The MPS responded on 3 June 2014. It provided some links to relevant information and cited the exemptions at 23(5), 30(3), 31(3) and 40(5), all of which excluded it from the duty of confirming or denying whether it held the requested information.
5. Following an internal review the MPS wrote to the complainant on 9 July 2014. It maintained its position.
6. During the Commissioner's investigation the MPS revised its position. It itemised the request in numbered parts (as shown above) and responded as follows.
7. It confirmed the Operations named in part (1) were ongoing. It advised that no information was held in respect of part (27), and explained why. It provided the location in respect of part (29). The exemptions were then applied to each part of the request thus:

Section 30(1)(a)(i) – (1) to (4) inclusive;  
Sections 30(3) and 31(3) – (5) to (26) inclusive and (30);  
Section 31(1)(a)&(b) – (28);  
Section 40(2) – (4) and (28);  
Section 40(5) – (6), (8), (10), (13) to (17) and (24) to (26);  
Section 23(5) – (5) to (26) inclusive and (30).

## Scope of the case

---

8. The complainant contacted the Commissioner on 10 July 2014 to complain about the way his request for information had been handled. His grounds of complaint were as follows:

*"I would like you to force the MET to answer my FOI request on the above rejections including the review as there [sic] response is woeful and sad as its [sic] in the public interest in knowing [sic] the answers to my questions concerning a [sic] ongoing police investigation into historical sex abuse allegations".*

(The Commissioner here notes that the complainant therefore accepts that the Operations are ongoing).

9. During the Commissioner's investigation the MPS wrote to the complainant again to amend its position. It provided a response to part (29) and advised that it did not hold the information requested at part (27). Although invited to add further arguments as to why he disagreed with the MPS's response in respect of either of these parts of his request, or the other parts more generally, the complainant did not do so.
10. The Commissioner considers that the MPS has answered part (29) and he will therefore not further consider this. The Commissioner will consider the application of the exemptions to the remaining parts of the request below.

## Reasons for decision

---

### Section 1 – information not held

11. The Commissioner will first consider whether or not the MPS holds the information requested at part (27) of the request.
12. Section 1(1)(a) of the FOIA requires a public authority to inform the requester in writing whether or not recorded information is held that is relevant to the request. Section 1(1)(b) requires that if the requested

information is held by the public authority it must be disclosed to the requester unless a valid refusal notice has been issued.

13. In cases where a dispute arises over the extent of the recorded information that was held by a public authority at the time of a request, the Commissioner will consider the complainant's evidence and argument. He will also consider the actions taken by the authority to check that the information is not held and any other reasons offered by the public authority to explain why the information is not held. He will also consider any reason why it is inherently likely or unlikely that information is not held. For clarity, the MPS was not expected to prove categorically whether the information was held, instead the Commissioner is required to make a judgement on whether the information was held on the civil standard of the balance of probabilities.
14. This part of the request concerns the number of staff actively working on the investigations at the time of the request along with the costs. In respect of this it advised the complainant:

*"I will address the staffing issue in the first instance.*

*This aspect is not as straightforward as it may seem. Clearly there will normally be a team or dedicated 'knot' of officers at the centre of any investigation, indeed, a previous Foia request in 2013 disclosed the number of officers staffing Operation Fernbridge. <sup>1</sup>*

*However, in regard to this specific request and the overall number of officers engaged on the three operations, it should be recognised that the investigations have been ongoing for some while and that resources allocated to them have fluctuated over time. In fact the MPS, on the balance of probability, is unlikely to hold a definitive list of officers or staff working on a specific investigation at any given time. (In this case 7 May 2014)*

*This is because an investigation may bring in officers or staff for very short periods in order to carry out specific functions for example; analysis, forensics, detailed searches and 'house to house' enquiries. Although these officers and staff would, for the time engaged, be working 'on' the investigation, they would very probably be seconded in from other units or departments. Therefore, they would not be reflected in recorded information as being part of the named operation/s.*

---

<sup>1</sup> [https://www.whatdotheyknow.com/request/how\\_many\\_officers\\_are\\_staffing\\_o](https://www.whatdotheyknow.com/request/how_many_officers_are_staffing_o)

*The records for such staff and officers are kept on disparate systems and would describe the hours worked and possibly the duty being undertaken, the record would not necessarily state a specific operation. In view of this the overall figure for officers working on the named operations for 7 May 2014 is in fact not held.*

*In regard to the actual cost of the three investigations, this information is unfortunately not held. I believe that a distinct parallel can be drawn to a very recent DN issued by the ICO in favour of the MPS where that too related to the cost of an operation / investigation.<sup>2</sup>*

*It has been confirmed that the MPS does not have joint or individual cost codes for work conducted in regard to Operations Fernbridge, Fairbank and or Cayacos.*

*Officer's duties within the MPS are recorded on an electronic system called "Computer Aided Resource Management" or CARM that allows for comprehensive planning, with the ability to plan months in advance and for appropriate information to be accessible at any time to those who need it.*

*CARM also incorporates functionality for booking on and off duty with a short description of the duty being performed. However, without the necessary specific budget code, calculating the number of officers engaged on a particular enquiry and for how long is unfortunately not recorded and therefore impossible to calculate".*

15. From the clear explanations provided by the MPS above, the Commissioner has concluded that the MPS does not hold the numbers of staff or the costs of the operations as at the time of the request. He further notes that he has not been provided with any arguments to the contrary from the complainant. As such, on the balance of probabilities, he finds that the information was not held by the MPS.

### **Section 30(1) – investigations and proceedings**

16. The Commissioner will consider the application of section 30(1)(a)(i) to parts (1) to (4) of the request.

---

<sup>2</sup> [http://ico.org.uk/~media/documents/decisionnotices/2014/fs\\_50535606.pdf](http://ico.org.uk/~media/documents/decisionnotices/2014/fs_50535606.pdf)

17. Section 30(1) of FOIA states that:

*"Information held by a public authority is exempt information if it has at any time been held by the authority for the purposes of-*  
*(a) any investigation which the public authority has a duty to conduct with a view to it being ascertained-*  
*(i) whether a person should be charged with an offence".*

18. The phrase "at any time" means that information is exempt under section 30(1) if it relates to an ongoing, closed or abandoned investigation. It extends to information that has been obtained prior to an investigation commencing, if it is subsequently used for this purpose.

19. Section 30 of the FOIA is a class-based exemption, which means that there is no need to demonstrate harm or prejudice in order for the exemption to be engaged. However, in order for the exemption to be applicable, any information must be held for a specific or particular investigation and not for investigations in general. Therefore, the Commissioner has initially considered whether the requested information would fall within the class specified in section 30(1)(a)(i).

20. The public authority in this case is the MPS. As a police force it clearly has the power to conduct criminal investigations. The Commissioner is therefore satisfied that it has the power to carry out investigations of the sort described in section 30(1)(a).

21. In explaining its position to the complainant the MPS advised:

*"The information, by the nature of part of the question at 1, 2, 3, and 4 relates directly to the three operation names, as mentioned at part of 1 the request, namely; Fernbridge, Fairbank and Cayacos.*

*During the course of any criminal investigation enquiries are made, in this instance by the MPS in an attempt to gather and secure evidence, engage witnesses and arrest likely suspects. These enquiries are made for the duration of the case and are based upon proven methods as well as the judgement and experience of the officers in charge. The MPS is reliant upon these techniques to conduct its investigations and the public release of specific modus operandi or indeed release specific progress updates during the course of these enquiries, could be likely to prejudice the ability of the MPS to conduct further, similar investigations.*

*It cannot be clear at present what effect disclosure of the actual number of witnesses or suspects through the Act may have upon this case but care must be taken to not compromise any strand of*

*the investigation, cause any undue harm to individuals involved or indeed compromise a persons right to a fair trial'.*

*Therefore, in the circumstances of this specific request, it would not be appropriate for the MPS to publicly disclose either the number of witnesses approached or indeed suspects arrested, especially pertinent where an individual may be a suspect but has not yet been approached by the investigative team. Neither is it appropriate to mention the names of potential suspects in connection with the three named investigations".*

22. The Commissioner is therefore satisfied that the Operations are ongoing, a point which is not disputed by either party. Accordingly, he is therefore satisfied that this exemption is properly engaged.
23. However, section 30(1)(a)(i) is a qualified exemption. Therefore, the Commissioner must consider the public interest test set out at section 2(2)(b) of the FOIA and determine whether, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

#### **Public interest arguments in favour of disclosure**

24. The MPS has submitted the following arguments in favour of disclosure:

*"In consideration of the high profile nature of any historic sexual abuse investigation there is likely to be an increased public interest in obtaining information held pertinent to the investigation. Disclosure would therefore have the effect of enhancing transparency and accountability in terms of identifying [sic] witnesses and suspects in this case".*

25. The Commissioner also recognises that there is a public interest in transparency and accountability in relation to how the police conduct operations of this nature.

#### **Public interest arguments in favour of maintaining the exemption**

26. The MPS has submitted the following arguments in favour of maintaining the exemption:

*"To disclose material pertinent to this ongoing investigation would be likely to prejudice the investigation as witness data and suspect data is held as part of an ongoing criminal investigation into historic sexual abuse. And unless disclosure has been managed as part of an ongoing communication strategy, then such information would not be suitable for publication through FoIa legislation.*

*Disclosure of the information would be likely to undermine the currently open investigation by disclosing the actual number of witnesses and the number and names of potential suspects, including those not yet approached by the investigative team. This would be likely to prejudice the MPS ability to apprehend or prosecute offenders and may indeed prejudice the likelihood of witnesses coming forward given the sensitive nature of the investigations under scrutiny.*

*It would not be appropriate to release any information in connection with parts 1, 2, 3 and 4 of this request as any response may have the potential to expose police lines of enquiry, may alert any potential suspects and may lead to the potential interference of witnesses.*

*Public disclosure of information and work undertaken to detect and apprehend a suspect, including the MPS contends, the number of potential suspects, would not be in the public interest to disclose as the information could be used to undermine the investigation by individuals who may wish to avoid detection.*

*As per the Information Commissioner's guidance titled 'Exemption for Investigations and proceedings it states:-*

*'There is general recognition that it is in the public interest to safeguard the investigatory process. The right of access should not undermine the investigation and prosecution of criminal matters nor dissuade individuals from coming forward to report wrongdoing.*

*It is also not in the public interest to undermine the prosecution process and the role of the criminal courts as the bodies responsible for determining guilt. Where it is quite clear that disclosure could prejudice the right to a fair trial, it would not be in the public interest to release it.'*

*There is a public interest in allowing investigations the necessary space to determine the course of investigations that they have a duty to conduct. Premature disclosure of the information requested prior to the conclusion of related investigations and proceedings may undermine these investigations, the future prosecution of individuals and the role of the criminal courts as the sole forum for determining guilt.*

*Decision Notice FS50466997 stated: 'The Commissioner recognises the strong interest in principle in protecting information acquired by the police during their investigations, especially while matters remain unconcluded'.<sup>3</sup>*

*Decision Notice FS50140994 also acknowledged the public interest in enabling a police force to determine what evidence is released to the public stating:*

*'The Commissioner considers that where investigations are 'live' there is a strong public interest in preserving the public authority's ability to determine the direction of the investigation and to pursue new leads and different evidence as and when it arises and as far as it deems necessary'.<sup>4</sup>*

### **Balance of the public interest**

27. When considering the application of any of the exemptions contained in s30(1), the Commissioner believes that consideration should only be given to protecting what is inherent in those exemptions – the effective investigation and prosecution of crime - which requires the following:

- the protection of witnesses and informers to ensure people are not deterred from making statements or reports by fear it might be publicised;
- the maintenance of independence of the judicial and prosecution processes;
- preservation of the criminal court as the sole forum for determining guilt;
- allowing the investigating body space to determine the course of an investigation; and
- information that deals with specialist techniques.

28. With the above underpinning the consideration of 30(1), when weighing up the public interest in relation to the exemption the following factors (amongst others) should be considered:

---

<sup>3</sup> [http://ico.org.uk/~media/documents/decisionnotices/2013/fs\\_50466997.ashx](http://ico.org.uk/~media/documents/decisionnotices/2013/fs_50466997.ashx)

<sup>4</sup> [http://ico.org.uk/~media/documents/decisionnotices/2008/FS\\_50140994.ashx](http://ico.org.uk/~media/documents/decisionnotices/2008/FS_50140994.ashx)

- the stage or stages reached in any particular investigation or criminal proceedings;
  - whether and to what extent the information has already been released into the public domain;
  - the significance or sensitivity of the information; and
  - the age of the information.
29. The Commissioner accepts the relevance of all the arguments put forward by the MPS above and considers that they all weigh heavily in favour of maintaining the exemption in this case.
30. These factors have to be carefully weighed against the increased transparency and accountability disclosure would achieve in relation to the conduct of police operations.
31. The request relates to a number of ongoing enquiries - which is accepted by the complainant - and the MPS has demonstrated that investigatory work continues to be actively taking place. He also notes the MPS's balancing argument that:
- "The public interest is in disclosure of the information due to the high profile nature of historic sexual offence investigations. I find the strongest reason favouring non-disclosure is the need to ensure that ongoing investigations are not prejudiced by any adverse disclosure under the Act.*
- On balance, I find that the public interest in non-disclosure outweighs the public interest in disclosure. Public interest is not what interests the public but what would be of greater good to the community if disclosed as a whole. The investigations remain unsolved, open and active therefore I find the public interest continues to favour non disclosure".*
32. The Commissioner also notes that some information has been made available to the public in order to satisfy the public interest in this case, albeit that this is necessarily limited and has only been disclosed by the MPS in a carefully managed way. It is clear to the Commissioner that the information requested relates to live investigations and he has no hesitation in concluding that its disclosure would necessarily have a negative impact on those investigations. It could allow potential offenders to evade justice, it could lead to the intimidation of witnesses, it could deter further contact by the possible witnesses and it could, ultimately, undermine the right to a fair trial.
33. The Commissioner also recognises the detriment that could be caused to the police service because of the inherent danger of restricting the flow of information to the police in respect of both this and future

investigations, if information from these live and particularly sensitive investigations were disclosed.

34. In all the circumstances of this case the Commissioner readily accepts that the public interest favours maintaining the exemption on this occasion and any information held in respect of parts (1) to (4) of the request is properly withheld. He will therefore not further consider the application of section 40(2) to part (4).

**Sections 30(3), 31(3), 23(5) & 40(5) - neither confirm nor deny**

35. These have been cited in respect of the remaining parts of the request, ie (5) to (26) inclusive and (30). The MPS has explained:

*"It should be noted that all of the above parts relate to speculation about certain actions being taken as part of the above named investigations. Such matters pertain to who the investigators have arrested or questioned, who they may have consulted or cooperated with, what evidence may have been obtained and or what premises have been identified as being linked to the investigations".*

**Section 30(3) – criminal investigations and proceedings**

36. This section provides an exemption from the duty to confirm or deny whether information is held in relation to any information that, if it were held, would fall within any of the classes described in sections 30(1) and 30(2). Consideration of section 30(3) involves two stages; first, the exemption must be engaged as any information within the scope of the request would be in the relevant class. Secondly, this exemption is qualified by the public interest. This means that if the public interest in the maintenance of the exemption does not outweigh the public interest in disclosure, the information must be disclosed.

37. In respect of 30(3) the MPS has explained:

*"The key element to this aspect of the request is the fact that the three named operations are very much live and ongoing.*

*The MPS recognises that it can only apply section 30(3) if the requested information – if held – would fall within the scope of the section 30 exemption and is satisfied, particularly in light of the above mentioned communication, that 30(1)(i)(a) would indeed be engaged. Therefore, 'if this information were held, it would be held solely for the purpose of investigating a crime. Under the Act we would not wish to confirm or deny to the public at large specific elements of a police investigation or what information may or may not be held in relation to an individual or a third party, as alluded to*

*in a preceding paragraph. Because of this, a public authority is not obliged to confirm or deny whether it holds the information, subject to the outcome of a public interest test.*

*However, were the MPS to confirm or deny whether the information relating to the many parts highlighted above, is or is not held, would publicly confirm whether or not certain actions took place as part of the investigation and provide information about suspects, leading to inferences being drawn as to whether or not someone was charged and or prosecuted. It should be recognised that to divulge answers to the parts above, even by confirming or denying its existence that, in itself, supplies information to the world at large.*

*In this instance whilst it would be of interest to the public to have it confirmed, or otherwise, about specific issues relating to the investigation, I believe that public interest in confirming or denying whether the information is held does not outweigh the benefits of neither confirming nor denying that the requested information is held”.*

38. Other than the final part of the request (30), the Commissioner is satisfied that the remaining parts covered by this exemption all relate to the ongoing investigations, which, as determined above, the Commissioner accepts are caught under the exemption at section 30(1). The Commissioner therefore has no hesitation in also accepting that this information, if held, would also fall under that exemption. In respect of part (30), he is also satisfied that, were there indeed a further related investigation, this would also be successfully caught by section 30.
39. The Commissioner accordingly accepts all the public interest arguments cited above in respect of section 30(1), and the balancing arguments, and finds that these are applicable to section 30(3). He accepts that confirming or denying whether the investigative strands suggested by the complainant are being pursued would be detrimental to the ongoing investigations and that this would not be in the public interest.
40. The MPS is correct to rely on section 30(3) in respect of parts (5) to (26) inclusive and (30). The Commissioner will therefore not consider the other exemptions cited in respect of these parts of the request.

### **Section 31 – law enforcement**

41. The Commissioner will next consider the application of sections 31(1)(a) and (b) to part (28) of the request.
42. Sections 31(1)(a) and (b) state that:

*"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".*

43. In order for a prejudice based exemption, such as section 31, to be engaged three criteria must be met:

- Firstly, the actual harm which the public authority alleges would, or would be likely, to occur if the withheld information was disclosed has to relate to the applicable interests within the relevant exemption;
- Secondly, the public authority must be able to demonstrate that some causal relationship exists between the potential disclosure of the information being withheld and the prejudice which the exemption is designed to protect. Furthermore, the resultant prejudice which is alleged must be real, actual or of substance; and
- Thirdly, it is necessary to establish whether the level of likelihood of prejudice being relied upon by the public authority is met – i.e., disclosure 'would be likely' to result in prejudice or disclosure 'would' result in prejudice.

44. The relevant applicable interests cited in this exemption are the prevention or detection of crime and the apprehension or prosecution of offenders. The Commissioner accepts that the arguments below, made by the MPS, directly address the prejudices at both (a) and (b).

45. When considering the second step, the Commissioner must be persuaded that the nature of the prejudice is "*real, actual or of substance*" and not trivial or insignificant. He must also be satisfied that some causal relationship exists between the potential disclosure and the stated prejudice.

46. The nature of the prejudice argued by the MPS is:

*"... for those officers permanently engaged or at least forming part of the 'core' [to] business their role is to investigate: It is considered likely that if their names were to be published as being connected to either of the named investigations they may be the subject of direct contact by those wishing to know the progress of the investigation or lines of enquiry being undertaken and this would be considered over and above scheduled or planned media releases, thereby diverting them from core law enforcement responsibilities."*

47. The MPS was also concerned that there are several examples in the public domain of when officers have been targeted once their personal information has been disclosed.
48. The Commissioner agrees that officers working on the investigations need to be able to do so without being hindered with personal enquiries and unnecessary contact by members of the public who should be contacting the force via appropriate channels. He accepts that it is not the primary role of investigative officers and staff to fend off casual enquiries but to investigate the criminal allegations that are before them.
49. The Commissioner therefore accepts that the outcome of disclosure predicted by the public authority is possible and he is therefore satisfied that the exemptions provided by sections 31(1)(a) and (b) are engaged.

### **The public interest test**

50. Having concluded that sections 31(1)(a) and (b) are engaged, the Commissioner has gone on to consider the balance of the public interest.

### **Public interest arguments in favour of disclosure**

51. The MPS advised the Commissioner:

*"By disclosing the names of officers engaged on the operations named, the MPS would show the public at large the extent to which resources were being deployed and identifying a clear link of named officers to specific policing investigations".*

### **Public interest arguments in favour of maintaining the exemption**

52. The MPS advised the Commissioner:

*"The MPS believes that the public interest in this case is actually satisfied by the release of the Senior Investigating Officer and that the names of other officers connected with or engaged on the operation does not take that interest any further. Given that names would include detectives including junior detectives with no public profile, other than being members of the MPS. Any public interest in such operations would be the provision of information and intelligence from the public in order to further investigations and it may be, by pursuing that goal, certain officers make public statements or appearances as part of a proactive communication and or investigation strategy, not by placing their names into the public domain via Freedom of information legislation. Given that those engaged on the enquiries are transient by nature the*

*publicised list would not remain factual over time and there would not be an expectation to provide a update every time an individual was posted to the enquiries mentioned."*

### **Balance of the public interest arguments**

53. Other than the general public interest in the MPS being open and transparent, the Commissioner is of the view that there is little public interest in the disclosure of the contact details in question here. The MPS have advised the complainant of the name of the Senior Investigating Officer in these cases, which the Commissioner considers to be adequate and sufficient to make them accountable to the general public.
54. The Commissioner considers that appropriate weight must be afforded here to 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 by the MPS. The Commissioner considers it clear that there is a very substantial public interest in avoiding that outcome and that this is a public interest factor in favour of maintenance of the exemption of considerable weight.
55. The Commissioner has weighed the public interest in avoiding prejudice to the prevention or detection of crime and the apprehension or prosecution of offenders against the public interest in the openness and transparency of the MPS; the complainant has offered no argument to the contrary. His conclusion is that the public interest in avoiding the prejudice is the more weighty factor and so his finding here is that the public interest in the maintenance of the exemption outweighs the public interest in disclosure.

### **Conclusion**

56. Based on the above arguments, the MPS is not required to disclose this information. Given this finding it has not been necessary for the Commissioner to go on to consider section 40(2) which was also cited in respect of part (28) of the request.

## **Right of appeal**

---

57. 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: 0300 1234504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

58. 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.
59. 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 .....**

**Gerrard Tracey  
Principal Adviser  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**