

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 March 2025

Public Authority: Chief Constable of Greater Manchester Police
Address: GMP Headquarters
Central Park
Northampton Road
Manchester
M40 5BP

Decision (including any steps ordered)

1. The complainant submitted an information request to the Chief Constable of Greater Manchester Police (GMP) for copies of named Information Sharing Agreements.
2. The Commissioner's decision is that GMP was not entitled to rely upon sections 31(1)(a) and (b) (law enforcement) of FOIA as the exemptions had been applied 'blanket fashion' to the requested information.
3. The Commissioner requires GMP to take the following steps to ensure compliance with the legislation.
 - Disclose the requested information, with any personal data redacted in accordance with his guidance¹

¹ [Section 40 and Regulation 13 – personal information | ICO](#)

4. GMP must take these steps within 30 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 19 June 2024, the complainant wrote to GMP and requested information in the following terms:

“Please accept this request under the freedom of Information Act. I’m seeking copies of the following Information Sharing Agreements, details of which were provided in your response to my previous FOI request:

- Bolton Overarching Information Sharing Agreement
- Greater Manchester Victims’ Service
- Horizon Threat Scanning
- Inter-Agency Information Sharing Protocol
- ISA between General Medical Council, the Nursing and Midwifery Council, ACPO and the CPS
- Liverpool City Council
- Manchester Multi Agency Safeguarding Hub (Mash)
- Manchester Serious Offenders Panel
- MAPPA ISA
- RAC-sharing GMP images with retail sector
- Salford University Information Sharing Agreement
- University of Salford-Safety and Security of Students and others.”

6. On 21 June 2024, GMP confirmed that it held the information but that it was exempt from disclosure under sections 31(1)(a) and (b) of FOIA.
7. Upon receiving this response, the complainant asked GMP to conduct an internal review on 2 August 2024 and on 29 August 2024, GMP provided its internal review response in which it maintained its original position.

Reasons for decision

Section 31-law enforcement

8. Sections 31(1)(a) and (b) of FOIA allows a public authority to withhold information if its disclosure under the Act would, or would be likely to, prejudice the prevention or detection of crime, and the apprehension or prosecution of offenders.
9. In order for section 31 to be engaged, the following criteria must be met:
 - the actual harm which the public authority claims would, or would be likely to occur if the withheld information was disclosed has to relate to the applicable interests within the relevant exemptions (in this case, the prevention or detection of crime and the apprehension or prosecution of offenders);
 - 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,
 - 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.
10. Consideration of the exemption at section 31 is a two-stage process; even if the exemption is engaged, the information must be disclosed unless the public interest in maintaining the exemption outweighs the public interest in disclosure.
11. Rather than differentiate between the subsections of the exemption, GMP have presented one set of arguments. The Commissioner recognises that there is clearly some overlap between subsections 31(1)(a) and 31(1)(b) and he has therefore considered these together.
12. The first step in considering whether this exemption is engaged is to address whether the prejudice predicted by the public authority is relevant to the law enforcement activities mentioned in section 31(1)(a) and(b).

13. With respect to law enforcement activities, the Commissioner recognises in his published guidance² that section 31(1)(a) will cover all aspects of the prevention and detection of crime. With respect to section 31(1)(b), he recognises that this subsection could potentially cover information on general procedures relating to the apprehension of offenders or the process for prosecuting offenders.
14. The Commissioner acknowledges that the arguments presented by GMP refer to prejudice to the prevention or detection of crime, and to the apprehension or prosecution of offenders and that the appropriate applicable interests have therefore been considered.

The nature of the prejudice

15. The Commissioner next considered whether GMP have demonstrated a causal link between the disclosure of the withheld information and the prejudice that sections 31(1)(a) and (b) are designed to protect. In his view, disclosure must be at least capable of harming the interest in some, i.e., have a damaging or detrimental effect on it.
16. In submissions to the Commissioner, GMP explained that disclosure of the requested information "would undoubtedly prejudice GMP's ability to enforce the law, prevent and detect crime, and safeguard the communities under Greater Manchester."
17. GMP further explained that the requested documents "serve as a strategic agreement between partners" and that the documents make "significant references to GMP's strategic objectives" which if disclosed would "reveal GMP's policing tactics and strategies."
18. GMP also stated that some of the information sharing agreements (ISA) concern the safety and wellbeing of children. In expanding on this, GMP explained that the ISA for the Manchester Multi Agency Safeguarding Hub (Mash) has been implemented to enable Mash agencies to "securely share information regarding children for the purposes of safeguarding."
19. Whilst the Commissioner acknowledges the prejudice described above, having viewed the withheld information, he considers that for the majority of it there is no clear causal link between its disclosure and the prejudice described. This is because he considers that a lot of the information is generic in nature and does not relate to the prejudice which sections 31(1)(a) and (b) are designed to protect.

² [Sections 31\(1\)\(a\) – \(f\): criminal and civil law | ICO](#)

Likelihood of prejudice

20. With regard to the likelihood of prejudice in this case, GMP's arguments are presented at the highest level of 'would' prejudice. Therefore, this is the level of likelihood that the Commissioner has considered.

Is the exemption engaged?

21. In a case such as this, it is not enough for the information to relate to an interest protected by sections 31(1)(a) and (b), its disclosure must also at least be likely to prejudice those interests. The onus is on the public authority to explain how that prejudice would arise and why it would occur.
22. The Commissioner recognises the importance of protecting information which, if disclosed, would undermine law enforcement activity or make someone more vulnerable to crime.
23. GMP have argued that disclosure of the withheld information would compromise the "efficient and effective output of GMP and alike partners" and that any information that compromises the integrity of these operations "would have a detrimental effect on the public safety and a negative impact on law enforcement."
24. Having considered the arguments put forward by GMP, the Commissioner does not accept that the disclosure of the requested information would cause the prejudice described. This is because he considers that the exemptions have been applied 'blanket fashion' to the entirety of the withheld information.
25. The Commissioner notes that the application of exemptions should only apply to the extent that disclosure of the withheld information would cause the identified prejudicial effect, and he is not convinced that this is the case for the majority of the withheld information. When a public authority applies an exemption to information in a blanket fashion, it is not the role of the Commissioner to consider each document, line by line, to determine whether disclosure would cause the prejudice described. This is particularly pertinent in this case given the number of agreements to which the exemption has been applied.

26. The Commissioner also notes there are many ISAs in the public domain³, and that GMP itself has disclosed an ISA it has with the Premier League clubs it polices⁴.
27. Therefore, the Commissioner's decision is that sections 31(1)(a) and (b) of FOIA are not engaged. He has not therefore gone on to consider the public interest test.

³ [g3-20240819-uhnm-information-sharing-agreement-template_v5-301120.pdf](https://assets.publishing.service.gov.uk/media/6750340c0b3e68dfc448c838/Information_Sharing_Agreement_2024.pdf)
https://assets.publishing.service.gov.uk/media/6750340c0b3e68dfc448c838/Information_Sharing_Agreement_2024.pdf
<https://www.bristol.gov.uk/files/documents/2065-south-west-child-health-information-service-data-sharing-agreement-sign-up-document-for-data-supply-sharing-and-access-agreement/file>

⁴ <https://www.gmp.police.uk/SysSiteAssets/foi-media/greater-manchester/disclosure-2023/september/01.foi.23.011247.d-information-sharing-agreements-with-football-clubs.pdf>

Right of appeal

28. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

29. 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.
30. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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