



Freedom of Information request 1193-18

On March 11th 2018 there was a protest at Manchester Piccadilly. Please provide the following pertaining to the protest.

The number of individuals arrested who were involved in the protest, either on the day or up until August 23rd 2018, in addition to what they were arrested for.

The number of individuals who were subsequently reported for summons who were involved in the protest, either on the day or up until August 23rd 2018 in addition to what they were reported for.

The number of individuals dealt with by other means and what that other means was, i.e. cautioned and what they were cautioned for.

The number of convictions secured with regards to the protest and what offence was the convictions secured for .

RESPONSE

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon Section 17 of the FOIA requires that we provide the applicant with a notice which:

- a) states that fact
- b) specifies the exemption(s) in question and
- c) states (if that would not otherwise be apparent) why the exemption applies.

In relation to the request for the specific details of arrests made at the protest at Manchester Piccadilly on 11th March 2018, the following exemptions apply:

Section 30 – Investigations and proceedings conducted by public authorities

Information is exempt under Section 30 if it has been held at any time for the purpose of an investigation to ascertain whether or not an individual should be charged with an offence, or whether an individual who has been charged with an offence is guilty of it, or any criminal proceedings which the authority has the power to conduct. Section 30 also

provides an exemption in relation to information which has been obtained by the Force in respect of the purposes outlined above.

This exemption is a qualified and class-based exemption. As such, I am obliged to apply the public interest test.

Public interest considerations

Factors favouring the release of information

Disclosure of the requested information would provide the public with more knowledge about the types of crime that have occurred at Manchester Piccadilly. This would allow them to protect themselves from similar crimes and potential risks to them and their property.

Further to this, disclosure of this level of detail could help British Transport Police as the public may be able to assist officers in solving crimes through the effective sharing of information and intelligence.

Disclosure would provide an insight into the investigative process and this would promote more public trust and confidence in British Transport Police. These incidents show the high level crime that is dealt with by British Transport Police and highlight the type of crime that is investigated regularly.

Factors favouring withholding the information

The information being considered for disclosure was obtained for the purpose of a criminal investigation. As these cases are currently unsolved, it is vital that this information should be protected whether the investigations are currently ongoing or if they were to be reopened in the future. If one of the cases disclosed were to be reopened, disclosure of the full circumstances may jeopardise the future investigation of that case. Releasing information prior to the conclusion of an investigation may compromise an individual's right to a fair trial.

Publishing detailed circumstances of serious crimes may damage public confidence in how we use information about investigations and may result in future victims not reporting cases of this nature to British Transport Police. It is very important that public confidence is maintained, especially in relation to the reporting and investigation of serious crimes and it is vital that victims are protected.

Balancing Test

The public interest is not what interests the public, but a test of whether the community benefit of possession of the information outweighs the potential harm.

In this case, we have identified that there would be a benefit to the public by the release of this information. However, there is a strong factor favouring non-disclosure, this being the possible loss of public confidence in how British Transport Police deals with the reporting of crimes. Further to this, it cannot be justified that the public interest would be served in releasing this specific information if the integrity of any future investigation were to be compromised in any way.

I have determined that the disclosure of the requested information would not be in the public interest. I believe the importance of the factors favouring non-disclosure outweigh the public interest in disclosing the information. My decision, on balance, is that it would therefore not be in the public interest to release this information.

In accordance with the Act, this letter acts as a refusal notice for part of your request.