

helping the MPS and would furthermore impact on the trust of witnesses in making statements in the future.

Anything that undermines this would have a detrimental affect reducing the quality of information the MPS receives and consequently compromise any ongoing or future similar investigations. Therefore, I consider that considerations favouring non-disclosure of the requested information, if it exists, far outweighs the considerations favouring disclosure.

However, this should not be taken as necessarily indicating that any information that would meet your request exists or does not exist.

Section 40(5) - Personal Information / Absolute Exemption

You have asked for personal information about **individuals attributed to Every Decible Matters**. To confirm or deny whether personal information exists in response to your request could publicly reveal information about an individual or individuals, thereby breaching the right to privacy afforded to persons under the Data Protection Act 1998 (DPA). When confirming or denying that information is held would breach an individual's rights under the DPA, Section 40(5) of the Act becomes an absolute exemption, and there is no requirement for me to provide evidence of the prejudice that would occur, or to conduct a public interest test.

The MPS is unable to confirm and unable to deny whether the information in relation to this request is held.

To ensure you understand why this response is necessary I have provided excerpts from the Information commissioners's office (ICO):

The Duty to Confirm or Deny

The Information Commissioner's Office (ICO) guidance titled 'When to refuse to confirm or deny information is held' states:

'In certain circumstances, even confirming or denying that requested information is held can reveal information...

It can be important to use a neither confirm nor deny response consistently, every time a certain type of information is requested, regardless of whether the information is actually held or not...

Within the ICO guidance there is a specific police example:

'...a police force may hold information regarding particular properties they have under surveillance - it is likely that if a request were made for information about the surveillance of a certain property, this information would be exempt under section 30 (investigations and proceedings conducted by public authorities)...

Furthermore, this would apply even if information was requested about a property not under surveillance. If a police force only upheld its duty to confirm or deny where it was not keeping properties under surveillance, an applicant could reasonably assume that where the police force refused to confirm or deny, the property named in the request was under surveillance.'

A public authority could therefore refuse to confirm or deny whether it holds information about a property under surveillance. ..

This should not be taken as necessarily indicating that any information that would meet your request exists or does not exist.

COMPLAINT RIGHTS

If you are dissatisfied with this response please read the attached paper entitled Complaint Rights which explains how to make a complaint.

Should you have any further enquiries concerning this matter, please contact me by email quoting the reference number above.

Yours sincerely