



FOI ref no: 14323

17 May 2022

Freedom of Information request: reference 14323, first notified to us by email on 13 April 2022.

Thank you for your recent request under the Freedom of Information Act 2000, as detailed below:

I am requesting copies of any correspondence concerning the prosecution of Imran Ahmad Khan between Staffordshire Police, the Crown Prosecution Service and [REDACTED] between December 2019 and April 2022.

Staffordshire Police's response to your enquiry is as follows:

I can confirm Staffordshire Police does hold some of the requested information.

In accordance with Section 17(1) of the Freedom of Information Act, this letter represents a refusal notice for this particular request.

With regard to the part of the request relating to Imran Ahmad Khan I am citing Section 30(1)(a) Investigations and Section 40(2) Personal Information.

Section 30 is a class-based qualified exemption and there is a requirement to apply a public interest test.

Section 40 is an absolute class-based exemption and there is no requirement to carry out a public interest test.

Harm in Disclosure

This investigation was a high profile enquiry and there is a lot of information already in the public domain in relation to this case. There is currently an appeal ongoing and to disclose the requested information could compromise and hinder not only this investigation but future investigations and reveal tactical information.

Factors favouring disclosure under Section 30

Disclosure of the information would improve the public's knowledge and understanding of the investigatory process and, as all police investigations are publically funded, would show how public funds are spent. Disclosure of the information would show the public that the investigation had been conducted properly.

Factors favouring non-disclosure under Section 30

Disclosure of the requested information would prejudice how investigations are carried out in the future. Staffordshire Police is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Any release of information relating to investigations, whether ongoing or completed could prejudice and undermine future investigations. The prevention and detection of investigations could, therefore, be hindered and risk interference with evidence, which could have a detrimental impact on future investigations. Also the right to a fair trial could be undermined.

Releasing the information would lead to a perception that correspondence could or would be released to the public at some future date. The perception must inhibit or dissuade some witnesses from giving assistance to the police in future investigations. This diminution of public assistance would hamper the investigation and detection of crimes and, in time, lead to a reduction in the public's confidence in the criminal process.

Balance test

The police service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The police service will never divulge any information which would undermine any investigation or be detrimental to operational law enforcement.

Disclosure under the Freedom of Information Act is a release of information to the world in general and not an individual applicant.

Having considered the public interest factors I am required to determine whether on balance the factors favouring disclosure outweigh those which are against disclosure. It is my view that the factors favouring disclosure do not outweigh those which favour disclosure of the requested information. I would therefore inform you that Staffordshire Police declines to release the information.

Section 40(2) Personal Information

To release personal or third party information held by Staffordshire Police, would breach the data protection principles; namely –

- Data is lawfully and fairly processed.
- Processed in line with an individual's rights.
- Data is secure.

Personal and third party information cannot be released under the Freedom of Information Act.

With regard to the part of the request relating to [REDACTED], I can neither confirm nor deny that Staffordshire Police hold any information relevant to this part of the request by virtue of Section 30(3) Investigations and Section 40(5) Personal Information.

Section 30 is a class-based qualified exemption and there is a requirement to conduct a public interest test.

Section 40 is an absolute class-based exemption and there is no requirement to carry out a public interest test.

Harm in Disclosure

Confirmation or denial that any information is held has the potential to undermine the flow of information and any investigations.

Factors favouring confirming or denying that information is held – Section 30

By confirming or denying that any information relevant to the request exists, would lead to better public awareness into the intricacies of how investigations are handled and operational policing is conducted. This may lead to more information being submitted from the public which may culminate in a reduction of crime.

Factors against confirming or denying that information is held – Section 30

Staffordshire Police has a duty of care to the community at large and public safety is of paramount importance. By its very nature, by confirming or denying that any information is held would undermine investigations and prevent the effective delivery of operational law enforcement. Under FOI there is a requirement to comply with s1(1)(a) and confirm what information is held. In some cases it is that confirmation, or not, which could disclose facts harmful to an investigation.

Balance Test

The points above highlight the merits of confirming, or denying, whether information pertinent to this request exists (other than published). The police service is charged with enforcing the law, prevention and detecting crime and protecting the communities we serve. The police service will never divulge whether or not information is held if to do so would undermine any investigations or be detrimental to operational law enforcement.

The public entrust the police service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with any information that is released. Confirming or denying whether any information is or isn't held would definitely reveal policing activity and practices and would assist those intent on causing harm.

Therefore, at this moment in time, it is our opinion that for these issues the balance test for confirming, nor denying, that any other information is held is made out.

Section 40(5) – Personal Information

Section 40(5) is an absolute exemption which means that there is no need to quantify the harm that may arise from the disclosure; neither is it subject to a public interest test.

To release personal or third party information, which may or may not be held by Staffordshire Police, would breach the data protection principles; namely –

- Data is lawfully and fairly processed.
- Processed in line with an individual's rights.
- Data is secure.

Personal and third party information cannot be released under the Freedom of Information Act.

Disclosure under Freedom of Information is a release of information to the world in general and not an individual applicant.



STAFFORDSHIRE
POLICE

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of this email and should be addressed to:

Freedom of Information
DCC Directorate – Information Governance and Assurance
Central Disclosure Unit
Staffordshire Police HQ
PO Box 3167
Stafford
ST16 9JZ

Or Email: foi@staffordshire.police.uk

Please remember to quote the reference number in any future communications.

Freedom of Information
Central Disclosure Unit

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