

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 July 2016

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 made 3 related information requests about Elaine Antoinette Parent who was wanted for murder and committed suicide in 2002. Having cited various exemptions, following partial disclosure the Metropolitan Police Service (the 'MPS') withheld the remaining information citing sections 31(1) (law enforcement), 38(1) (health and safety), and 40(2) (personal information). It also neither confirmed nor denied holding any further information, citing sections 23(5) (information supplied by, or relating to, bodies dealing with security matters) and 27(4) (international relations).
2. The Commissioner's decision is that the MPS was entitled to rely on sections 31(1) and 38(1) and also on the exclusion to neither confirm nor deny whether further information is held by virtue of section 23(5). No steps are required.

Background

3. The three cases involve the same set of information held by the MPS so have been considered together in this notice.
4. There is much information about Elaine Antoinette Parent in the public domain. A brief internet search reveals that she was pursued by police for 12 years in both the USA and the UK before committing suicide.

5. The complainant has also made a related request to the Home Office asking for details of any extradition request or arrest warrant that may have been issued for Elaine Parent. In that case the Home Office would neither confirm nor deny holding any information, a position which the Commissioner upheld¹ when investigating the subsequent complaint. The complainant did not accept this decision and it is currently awaiting an appeal to the First-tier Tribunal. This decision notice reflects the Commissioner's position in that case.

Requests and responses

6. Following earlier correspondence, on 28 March 2015 the complainant wrote to the MPS and requested information in the following terms:

"I am writing to ask for documentation concerning what information was cleared by the Met Police to be released concerning the US fugitive ELAINE ANTOINETTE PARENT (US Social Security Number: 395-50-2257, b. 1942, d. 2002)".

7. The MPS asked the complainant for more information, specifically a time frame. This was clarified by the complainant as follows:

"I'm looking for the period of 1998-1999. This is when several UK newspapers such as The Guardian, The Independent and the Sunday People published articles about her".

8. The MPS responded on 17 June 2015. It refused to disclose the requested information citing sections 30(1)(a) (investigations and proceedings) and 40(2) (personal information). The complainant requested an internal review on 18 June 2015.

9. On 14 May 2015 he made the following request:

"I would like to know if the Met Police has correspondence between themselves and the Home Office and/or Her Majesty's Passport Office concerning the false passport application made by deceased US fugitive ELAINE ANTOINETTE PARENT under the name of deceased British citizen, SYLVIA ANN HODGKINSON. This is a follow up to a request I made..."

¹ <https://ico.org.uk/media/action-weve-taken/decision-notices/2016/1623644/fs50585752.pdf>

10. The MPS responded on 14 July 2015. It refused the request citing section 14(2) of the FOIA on the basis that it was a repeat request. It referred to requests made on 11 June 2014, 19 January 2015 and 17 June 2015. The complainant requested an internal review on 14 July 2015 explaining how this request was different to his previous requests.

11. On 18 June 2015 he made the following request:

"I am looking for documents regarding the investigation into the activities of ELAINE ANTOINETTE PARENT (US Social Security Number: 395-50-2257, b. 1942, d. 2002). She travelled into the UK in 1990 using a British passport under the name of SYLVIA ANN HODGKINSON.

She was a person of interest as part of a murder investigation looking into the death of BEVERLY ANN MCGOWAN in St. Lucie County, Florida whose body was discovered in July 1990.

I understand the London Met had an interest in ELAINE A. PARENT'S activities at the request of the St. Lucie County Authorities and co-operated in investigating ELAINE's background, interviewing eye witnesses and putting together a timeline of her activities in the UK.

ELAINE PARENT had the following aliases, there maybe more:

- ELAINE HAVILAND
- ALEX HART
- ALEXIS MARSHAL HART
- BRETT TREMONET
- ANTONIO HAMILTON RUSSELL
- VICTORIA DARK
- SYLVIA ANN HODGKINSON
- BEVERLY ANN MCGOWAN
- CHARLOTTE COWAN

ELAINE A. PARENT died on 6th April 2002 and I have attached a copy of her death certificate.

I would be interested in files relating to the investigation that include eye witness interviews as well as correspondence between the various investigators involved in the case.

I understand there was communication between Detective [name removed] of CID, US State Department Investigator [name removed] and Florida State Attorney investigator, [name removed]. All of whom have spoken publicly of their involvement in the case in print and on TV.

I understand that under the act, I should be entitled to a response within 20 working days. I would be grateful if you could confirm in writing that you have received this request.

This request is similar to one I made on 14th April, 2014. Given the length of time that has passed, I hope that this request can be reconsidered again.

I am also open to informal discussions with your department concerning what maybe the best way forward for me to access the content of these files".

12. The MPS responded on 14 July 2015. It refused the request citing section 14(2) of the FOIA, ie saying that it was a repeat request. It again referred to requests made on 11 June 2014, 19 January 2015 and 17 June 2015, adding the one made on 14 May 2015 as referred to above. The complainant requested an internal review on 14 July 2015 explaining how his earlier related request was made a year earlier (as he had pointed out) and explaining how it was different to others made.
13. Following an internal review of the first request above, the MPS wrote to the complainant on 3 August 2015. It stated that it was withholding the requested information by virtue of section 30(1)(a)(i); it no longer referred to section 40(2).
14. The other two requests were dealt with under one response dated 11 August 2015. In respect of the request dated 14 May 2015, it would neither confirm nor deny holding any information citing section 30(3) and 40(5)(b)(i). In respect of the request dated 18 June 2015, it cited sections 30(1)(a)(i)(ii) and 40(2). It removed reliance on section 14(2).
15. During the course of the Commissioner's investigation the MPS changed its position - this involved a meeting with a representative of the Commissioner to view the papers and further consultation. As a result it disclosed some information to the complainant. Following this disclosure it revised the exemptions being relied on, its final position being reliance on sections 31(1)(a) & (b), 38(1)(a), and 40(2). It would also neither confirm nor deny holding any further information citing sections 23(5) and 27(4).
16. Following further liaison, and in an effort to informally resolve the cases, additional information was disclosed by the MPS to the complainant on 24 May 2016.

Scope of the case

17. The complainant contacted the Commissioner on 18 August 2015 to complain about the way all three requests for information had been handled. He raised various grounds, some of which have now been superseded following partial disclosure by the MPS.
18. The Commissioner has considered the three complaints together because the relevant information is all held by the MPS in one file.
19. In respect of the requests of 28 March 2015 and 18 June 2015, the complainant advised that he did not accept that section 30 would be appropriate as any investigative techniques would be in the public domain via television programmes. He also advised that as the subject was deceased he did not understand how section 40 could be relied on, adding that he was happy for the identification of any witnesses to be redacted.
20. In respect of the request of 14 May 2015, he explained that he had previously tried to obtain relevant information from the Home Office and advised the Commissioner that it had claimed it held no information. He had therefore contacted the MPS to ascertain whether it had corresponded with the Home Office and, if so, any disclosure would assist him in going back to the Home Office and asking it to revisit his request. As above, he did not accept that section 30 would be appropriate. He also advised that as the subject was deceased, and he had provided a copy of her death certificate to the MPS, he did not understand how section 40 could be relied on.
21. As advised above, during the Commissioner's investigation further information was disclosed to the complainant. Following this disclosure the Commissioner asked the complainant to confirm what he wished him to now consider in his investigation. The complainant confirmed that he was happy to accept the application of section 40(2) unless it had been cited to cover "*information that was given to Police*", so this has been removed from the scope of the investigation.
22. He also confirmed that he wished the Commissioner to consider the redactions under sections 38 and 31 and the NCND in respect of section 23(5). He did not refer to the NCND in respect of section 27(4) so this exemption is not covered in this notice. In any event its application would relate to the same information, if held, as section 23(5).
23. The Commissioner will consider the application of exemptions below.

Reasons for decision

Section 23 – information supplied by, or relating to, bodies dealing with security matters

24. By virtue of section 23(5) the duty to confirm or deny does not arise if to do so would involve the disclosure of any information (whether or not already recorded) which was directly or indirectly supplied to the public authority by, or relates to, any of the bodies specified in section 23(3).
25. This exemption is absolute, meaning that, if engaged, there is no requirement to consider whether the public interest favours confirming or denying whether information is held.
26. In engaging this exemption the MPS advised the complainant:

“Given the nature of the information requested, that is, likely or suspected extradition processes relating to Ms. Elaine Parent, the MPS neither confirms nor denies whether it holds any other information.

Your requests relate to procedures and processes undertaken by the MPS in order to locate, arrest and extradite Ms. Parent and accordingly, if held, information relating to potential extradition would be likely to relate to one of the Security Bodies named at Section 23(3)“.

27. The complainant has argued:

“Elaine’s investigation was primarily a criminal matter and I suspect that any information passed to any of the security bodies was done with the intention of sharing it and am unaware that they contributed anything to the case. This was a criminal investigation and the relevant documents should be re-examined to determine whether they were originally intended for any of the bodies listed in section 23 (3)“.

28. It is important to note here that any information that may or may not be held would only need to “relate to” a security body. Any actual input that that body may or may not have had to the investigation itself is therefore irrelevant. For example, if it was copied into correspondence because it was deemed relevant at the time then this would engage the exemption.
29. The test as to whether a disclosure would relate to a security body listed in section 23(3) is decided on the normal civil standard of proof, that is,

the balance of probabilities. In other words, if it is more likely than not that the disclosure would relate to a security body then the section 23 exemption would be engaged.

30. Factors indicating whether a request is of this nature will include the functions of the public authority receiving the request, the subject area to which the request relates and the actual wording of the request.

31. In corresponding with the complainant the MPS advised him:

"... whilst I understand the issues you have raised, the information, as per the legislation states, that if held, it would 'relate' to a 23(3) body, ... and whilst the MPS and or extradition units are clearly not S23(3) bodies, if held, certain information on this topic would indeed involve a 23(3) body".

32. The MPS explained to the Commissioner that: *"... any proceedings for extradition by the US may have come through what was then NCIS to the MPS at which point enquiries would have been made"*. Therefore, any information in regard to potential extradition of an individual wanted in the US could, if held, relate to what was then NCIS (National Criminal Intelligence Service). NCIS is a section 23 body.

33. In light of the MPS's relationship with the security bodies and the wording of the requests, the Commissioner is satisfied that complying with the requirements of section 1(1)(a) would be likely to reveal whether or not a security body, namely NCIS, had any interest in the subject named in this request. The need for the MPS to adopt a position on a consistent basis is of vital importance in considering the application of an NCND exemption and he is satisfied that section 23(5) is engaged.

Section 38 – health and safety

34. This exemption has been cited in respect of pathology reports from the US relating to a party who is believed to have been murdered by Elaine Parent.

35. Section 38(1)(a) of the FOIA states that information is exempt information if its disclosure would, or would be likely to, endanger the physical or mental health of any individual.

36. For the exemption to be engaged it must be at least likely that the endangerment identified would occur. 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.

37. The Commissioner considers that the term 'endanger' in section 38(1) should be interpreted in the same way as the term 'prejudice' in other FOIA exemptions. In order to accept that the exemption is engaged, the Commissioner must be persuaded that the nature of the endangerment and the likelihood of it occurring as a result of disclosure of the information in question is *"real, actual and of substance"*, rather than trivial or insignificant. As part of this he must be satisfied that some causal relationship exists between the disclosure of the information in question and the predicted endangerment.
38. This means that three conditions must be satisfied for the exemption to be engaged. Firstly, the harm that is envisaged must relate to endangerment to health. Secondly, that endangerment must be as a result of the disclosure of the information in question. Thirdly, there must be a real risk of endangerment to health arising through disclosure.
39. In this case the MPS's justification for applying section 38(1) of FOIA was as follows:

"Disclosure of the requested information would, in the MPS view, be likely to endanger the mental health of members of [name removed]'s family or indeed given that disclosure under the Act is disclosure to the world at large the endangerment could be likely to affect any number of yet unknown individuals".

40. The Commissioner is satisfied that the nature of the harm referred to by the MPS is relevant to the exemption. The Commissioner has therefore gone on to consider the next stage of the test; that is, whether there is a causal link between disclosure and the harm referred to by the MPS. In his guidance², the Commissioner acknowledges that it will not usually be possible for a public authority to provide concrete proof that the prejudice envisaged would or would be likely to result. This is because the test relates to something that may happen in the future. However, the Commissioner considers that the engagement of an exemption cannot be based on mere assertion or belief but must reflect a logical connection between the disclosure and the prejudice envisaged.
41. The Commissioner's duty in this case is to consider whether disclosure of the requested information "would be likely" to pose a risk to the physical or mental health of the parties identified. The Tribunal, in the

² https://ico.org.uk/media/for-organisations/documents/1214/the_prejudice_test.pdf

case of *John Connor Press Associates Limited v Information Commissioner* (EA/2005/0005), stated that "*the chance of prejudice being suffered should be more than a hypothetical possibility, there must have been a real and significant risk*" (paragraph 15).

42. The Commissioner has interpreted this to mean that, in order for a public authority to satisfy him that disclosure of the requested information would be likely to endanger the health of individuals, it must demonstrate that the risk of that endangerment is substantially more than remote.
43. The Commissioner acknowledges that the physical or mental health of family members, and other members of the public, needs to be considered when disclosure "to the world at large" is being made under the FOIA.
44. The complainant has argued:

"I would have agreed with Section 38 if this potentially concerned releasing images of [name removed]'s body but I am only focusing on the text of the report. I believe releasing this would not cause the family additional distress as they have previously spoken about the circumstances of her death to several TV documentaries".

45. Although some members of the family may have previously spoken of the circumstances of her death, in the Commissioner's view, the family and friends of the deceased would have no expectation that the pathology reports covering her murder would be released into the public domain. This is particularly the case as the murder happened over 20 years ago which means that they are likely to have now made efforts to 'move on' with their lives without the worry of having past events re-circulated in the public domain. He considers that, were they to discover that the pathology reports had been disclosed by the MPS, this could have a significant impact on their mental health and may cause unwarranted distress and mental anguish. The prospect of their finding the unfettered publication of details about the deceased's body would, in the Commissioner's view, have a substantially more than remote likelihood of endangering their mental health.

46. The complainant has also advised:

"In the past, I have had a number of pathologist reports released to me ... without this section being cited. Additionally, much of the content of [name removed]'s pathology report ... was already released to the media during the time the authorities were pursuing Elaine Parent".

47. Whilst the Commissioner understands that the complainant has received other pathology reports via the FOIA he does not consider that means that a precedent has been set, particularly when it relates to someone who was murdered. He also notes the complainant's assertion that some information from the pathology report has been previously put into the public domain by way of the media. However, it should be noted that such disclosure to the media will have been done in a managed way in an attempt to pursue investigative lines of inquiry at the time and to keep the public suitably informed.
48. The Commissioner is satisfied that section 38(1)(a) of the FOIA is engaged in relation to the requested information. However, as this is a qualified exemption, the next step is to consider the balance of the public interest. In forming a conclusion here, the Commissioner has taken into account the general public interest in the work of the MPS, as well as any factors that apply in relation to the specific content of the information in question.

Public interest arguments in favour of disclosure

49. The Commissioner recognises that disclosure of the information withheld under this exemption could inform the public about the circumstances of the murder of the deceased. Albeit limited, it would also provide the public with a greater insight into the particular circumstances behind efforts to locate Elaine Parent.
50. The Commissioner also understands that the complainant is a writer / researcher who is undertaking further research into Elaine Parent and that the information is required to further that research. This, however, would represent a private, rather than public interest, and so carries little weight.
51. The Commissioner also notes the general arguments for disclosure that are based on informing public debate and the promotion of accountability and transparency.

Public interest arguments in favour of maintaining the exemption

52. In respect of maintaining the exemption, the MPS submitted the following argument:

"The requested information is of a sensitive personal nature to the [name removed] family and not considered appropriate for disclosure in the wider public interest".

53. The Commissioner recognises the clear public interest in avoiding endangerment to the health of any individual of the nature set out in

paragraph 45, above. He considers that this carries significant weight in any case where section 38(1)(a) is engaged.

Balance of the public interest

54. As mentioned above, the complainant has previously received pathology reports via the FOIA and he is of the opinion that, in the interests of transparency, the information under consideration here should also be disclosed. However, the Commissioner does not consider that it would be in the public interest for such reports to routinely be made available, as each pathology report will necessarily be different and needs to be considered on its own merit.
55. It is also noted that the complainant states he already has some of the details from the reports because they were released in the media at the time. In the Commissioner's view, this previous disclosure goes a long way to satisfying any wider public interest in disclosure of the information in its entirety.
56. Regarding the deceased's family having previously discussed matters relating to her death in the media, it is not possible to gauge the impact that full disclosure would have on them now. The family may or may not have come to terms with matters after such a long time and it is not possible to accurately assess what effect full disclosure of the pathology reports would now have. It is also not known which members of the family were concerned and whether all were happy to discuss matters in detail. Disclosure under the FOIA is to the world at large, which will include the wider family, friends and colleagues of the deceased, and not just a few interested parties.
57. Furthermore, the Commissioner considers that the family and friends of the deceased would have little or no expectation that the pathology reports about her murder would be released into the public domain. It is known that she was murdered and the Commissioner can see little public interest in fully disclosing the reports as they relate to what he considers to be a very sensitive matter. He is not aware of any ongoing investigation into the death of the deceased and thus any public interest in disclosing this type of information would carry insufficient weight to outweigh the overwhelming public interest in avoiding harm of the type set out in paragraph 45.
58. As stated above, the Commissioner's duty in this case is to consider whether disclosure of the requested information would be likely to pose a risk to the physical or mental health of the parties identified. Therefore, any argument capable of outweighing the public interest in maintaining that exemption would have to be very compelling indeed.

Neither the complainant nor the Commissioner have been able to identify such an argument.

59. Given all the circumstances of the case, the Commissioner does not believe there to be any legitimate public interest in disclosing the full pathology reports that has not already been satisfied by information which is currently in the public domain. The Commissioner finds little public interest in the disclosure of this information, beyond the general public interest in information about the work of the MPS that is mentioned above and the public interest in maintaining the exemption is significantly stronger. Therefore, in all the circumstances of the case, the Commissioner has decided that the balance of the public interest favours maintaining the exemption.

Section 31 – law enforcement

60. The MPS is relying on sections 31(1)(a) and (b). These 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...”

61. Section 31 is a prejudice based exemption and is subject to the public interest test. This means that not only does the information have to prejudice one of the purposes listed but, before the information can be withheld, the public interest in maintenance of the exemption must outweigh the public interest in disclosure.

62. In order to be engaged, the following criteria must be met:

- 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;
- 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 – ie disclosure ‘would be likely’ to result in prejudice or disclosure ‘would’ result in prejudice.

63. The relevant applicable interests cited in this exemption are the prevention or detection of crime and the apprehension or prosecution of offenders.

64. In engaging this exemption the MPS explained:

"The information contained within this file relates to enquiries within the UK by the MPS in regard to an individual named Ms. Elaine Parent, a potential suspect for a number of offences in the US. It was believed that Ms. Parent was likely to have information relating to [name removed] who was found murdered in Florida, indeed, the US Authorities considered Ms. Parent as a likely suspect..."

The MPS does hold some information relating to enquiries being made with the UK in regard the whereabouts of Ms. Parent, including information stemming from a London Weekend Television programme where individuals provided information to programme organisers, who in turn, provided that information to police.

It is important that where individuals come into police there is an expectation that any information provided will be held in confidence, particularly their own personal details, albeit that aspect is covered by the engagement of Section 40.

The information obtained however, helps drive the tactics and methodology of those tasked to make enquiries to locate Ms. Parent, accordingly, in order to protect the information provided to programme makers and then police, certain elements relating to likely identifiable information has been redacted from that being provided in this instance.

Whilst it would of course be of interest to the public to know who provided information and indeed what that information consisted of, in the interest of law enforcement agencies it is vital that the identity of those providing information remains unknown, along with the nature of the information itself. It is clear that unless withheld, the information provided would be likely to both identify individuals and be likely to dissuade individuals coming forward with information in the first instance. Without the assistance of individuals coming to police and other agencies offering information the function of law enforcement would be severely impeded. Pertinent because it is anticipated that those individuals coming into contact with police assume that a degree of confidentiality exists in their interactions with police".

65. In respect of the withheld information which was provided by members of the public, the MPS has clarified that this was provided in response to the television programme referred to above and that: "*this information together with their details were then passed to the MPS for action*". Such onward disclosure into the public domain, even after several years, would be likely to act as a deterrent for those who may voluntarily submit potential 'evidence' in the future thereby making law enforcement more difficult for the police service which relies heavily on the cooperation of potential witnesses.
66. It further advised the Commissioner that some of the withheld information had been provided to it from USA police authorities and:
- "... if it were known that subsequent disclosure would be likely, there is every possibility that it may prejudice law enforcement within the MPS as third parties providing information to the MPS may chose not to, given that they may believe it would be disclosed at a later date".*
67. The withheld information includes third party information given to the police by members of the public and other items such as images of a passport, a driving licence, an application for a passport and fingerprints provided by the USA authorities.
68. With regard to the first criterion of the three limb prejudice test described above, the Commissioner accepts that potential prejudice to any ongoing police investigation clearly relates to the interests which the exemptions contained at sections 31(1)(a) and 31(1)(b) are designed to protect.
69. With regard to the second criterion, having considered the contents of the withheld information the Commissioner is satisfied that its disclosure would clearly have the potential to harm law enforcement were witnesses discouraged from volunteering information to the police service for fear that it may be placed in the public domain. Such lack of cooperation by the public would clearly have a detrimental effect on the police service's ability to perform its law enforcement duties. In addition, policing authorities from other countries could realistically be deterred from providing information to the MPS were they to be concerned that it could find its way into the public domain via the FOIA.
70. Having viewed the information in full, the Commissioner accepts that there is a causal link between disclosure of the information gathered in respect of witnesses, and that provided by law enforcement agencies in the USA, and the interests which the exemptions contained at sections 31(1)(a) and (b) are designed to protect. Moreover, given the potential consequences of disclosure, the Commissioner is satisfied that the

resultant prejudice which the MPS considers would be likely to occur is one that can be correctly categorised as real and of substance.

71. Having had the benefit of examining the withheld information the Commissioner is satisfied that its disclosure would be likely to represent a real and significant risk to law enforcement. Therefore, the Commissioner is satisfied that the exemptions contained at sections 31(1)(a) and (b) are engaged.

Public interest test

72. Section 31 is a qualified exemption and therefore the Commissioner must consider whether in all the circumstances of the case the public interest in maintaining the exemptions contained at sections 31(1)(a) and (b) outweighs the public interest in disclosing the information.

Public interest arguments in favour of disclosure

73. The Commissioner notes that it is important that the public have confidence in the police service which has responsibilities for enforcing the law. Accordingly, there is a general public interest in disclosing information that promotes accountability and transparency in order to maintain that confidence and trust.
74. The Commissioner also notes that this case is of particular interest to the complainant. However, he considers there is only limited interest to the general public, largely due to the fact that the subject is now deceased.

Public interest arguments in favour of maintaining the exemption

75. The MPS has argued:

"The disclosure of this information to the public by the MPS would undermine individuals' confidence in helping the MPS with investigations. Anything that undermines this would have a detrimental effect, reducing the quality of information the MPS receives and consequently compromising the effectiveness of any investigation.

The disclosure of this information to the public by the MPS would inhibit the flow of free and frank discussion, sharing of advice and best practices for investigations between police services. Anything that undermines this would have a detrimental effect on the thoroughness, efficiency and effectiveness of police investigations and ultimately the apprehension and prosecution of offenders".

Balance of the public interest test

76. The Commissioner accepts that the subject matter of this case was very much in the public domain at the time. So much so that a television programme was aired about the suspect which led to members of the public contacting the MPS in an effort to assist with its enquiries. Disclosure of the withheld information would allow the public to know about any 'leads' which were given by the public and how the police dealt with these at the time.
77. However, the Commissioner believes that there is stronger public interest in ensuring that the overall effectiveness of investigations being undertaken by the MPS is not undermined or compromised. Whilst there is a public interest in knowing that the MPS takes its law enforcement duties seriously and follows up on any possible leads it receives, it is also important to ensure that the public does not lose trust that the police will keep such submissions private. The Commissioner accepts that it is vital to the MPS's law enforcement capabilities to be able to reassure the public that any contributions received will be handled in a confidential and sensitive manner and will not be placed into the public domain unless they form a necessary part of a subsequent investigation.
78. The Commissioner also notes that the MPS made an effort to disclose as much as possible to the complainant, rather than withholding the information in its entirety. The disclosures have been made alongside recommendations made by the Commissioner in an effort to ensure the release of as much information as possible in order to satisfy the public interest.
79. Based on the arguments above, the Commissioner has concluded that, in all of the circumstances of this case, the public interest in maintaining the exemption at sections 31(1)(a) and (b) outweighs the public interest in disclosing the withheld information.
80. As he has found that sections 31(1)(a) and (b) fully cover the information which is withheld under section 40(2) it has not been necessary to go on to also consider that exemption.

Right of appeal

81. 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

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

82. 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.
83. 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

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