



Response to Request for Information

Reference FOI 003397
Date 25 March 2019

Missing electronic items

Request:

I am making the following request under the Freedom of Information Act 2000.

Between 2014 and 2018 can you tell me how many electrical items (such as tablets, phones etc) belonging to the council went missing, the value of these items and how many of these items were recovered?

Section 1 of the Freedom of Information Act 2000 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.

Your request for information has now been considered and the City of Wolverhampton Council is not obliged to supply the information you requested for the reasons set out below.

Section 17 of the Freedom of Information Act 2000 requires City of Wolverhampton Council, when refusing to provide such information (because the information is exempt) to provide you, the applicant with a notice which:

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

In relation to your particular request, the following exemption applies:
Section 30(1)(a)-(c) Criminal Investigations and Proceedings

Section 30 – Investigations and proceedings

The Council considers that the provisions of Section 30 – relating to investigations and proceedings conducted by public authorities is engaged. This is one of the Act's qualified exemptions.

Section 30 is a class based qualified exemption. There is not a requirement to consider the public interest to ensure neither confirming nor is denying that information is held appropriate.

[NOT PROTECTIVELY MARKED]

When considering the application of this exemption the Council would consider the public interest in disclosure demonstrating openness and transparency of process and furthering the understanding of its business to the wider world.

Set against this however, the public interest in non-disclosure is served by the need to protect the investigative integrity of its processes and those individuals (witnesses, relatives and friends for example) who may be compromised by disclosure to the wider world (which is how any disclosure under the Act must be viewed).

Disclosure of the Councils investigations process would also compromise the conduct of future investigations by revealing processes followed and would add to the sum of criminal knowledge available to the wider world. This is considered to be a stronger consideration and no disclosure will be made in this instance.

Therefore, at this moment in time, it is our opinion that for these issues the balancing test against confirming whether information is or isn't held is not made out.

No inference can be taken from this refusal that the information you have requested does or does not exist.