

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 4 May 2023

**Public Authority:** Thames Valley Police  
**Address:** Oxford Road, Kidlington  
OX5 2NX

#### **Decision (including any steps ordered)**

---

1. The complainant has requested information relating to a traffic collision which occurred in August 2021. Thames Valley Police refused to provide the information under Sections 30(1) (investigations and proceedings) and 40(2) (personal information) of the FOIA.
2. The Commissioner's decision is that Thames Valley Police were correct to rely on Section 30(1) of the FOIA to withhold the information and that the public interest favours maintaining the exemption. There was therefore no need for the Commissioner to consider section 40(2) of the FOIA.
3. The Commissioner does not require further steps.

#### **Request and response**

---

4. On 27 May 2022, the complainant wrote to Thames Valley Police and requested information in the following terms:

"On 09/08/2021, an incident occurred on the M1 Northbound Jct 14/15 in respect of which, last month, the driver [redacted] was sentenced to 4 years imprisonment. An article conveying this can be read here: <https://www.bbc.com/news/uk-england-beds-bucks-herts-61217047> . An Astra, [redacted], struck an HGV.

About the HGV (tractor unit) [redacted] and its trailer, please provide the following information

1. the advice/instruction Thames Valley Police (TVP) issued to CMG / Cowan Recovery Ltd to collect / store the vehicle. I understand the vehicle was recovered in the early hours of 10/08/2021.

2. the date(s) upon which the tractor unit &/or trailer were visited by TVP whilst in storage and the purpose of said visit(s)

3. the date the RTC report was finalised

4. the date the tractor unit & trailer were 'released' i.e. available for collection

5. the date the owner (Maritime Transport) was notified they could collect the tractor unit & trailer

6. why the tractor unit was required to be held / stored for the period described above

7. why the trailer unit was required to be stored for the period described above

8. any communications between TVP and the owner (a limited company i.e. commercial entity) - will (sic) names of parties redacted, but not domain names (if emails) about the Astra

9. on what date was this released and to whom - assuming this to have been disposed of to a salvage agent for destruction\*

\*please note:

a. The vehicle does not appear to be the subject of a V23/destruction notice

b. A V5C was issued for the VRM approx. 1 month after the above incident."

5. Thames Valley Police responded on 15 June 2022. It stated that the information was exempt under Section 21, as it was available to the requester by other means.
6. Following an internal review, Thames Valley Police wrote to the complainant on 2 August 2022. It stated that the information was exempt under Sections 30(1) (investigations and proceedings) and 40(2) (personal information) of the FOIA.

## **Reasons for decision**

---

7. Section 30(1)(a) provides that information held by a public authority is exempt information if it has, at any time, been held by the authority for the purposes of any investigation which the public authority has a duty to conduct, with a view to it being ascertained whether a person should be charged with an offence, or whether a person charged with an offence is guilty of it.
8. The Commissioner considers that the phrase "at any time" means that information can be exempt under section 30(1)(a) of FOIA if it relates to a specific ongoing, closed or abandoned investigation.
9. Consideration of section 30(1)(a) is a two-stage process. Firstly, the exemption must be shown to be engaged. Secondly, as section 30 is a qualified exemption, it is subject to the public interest test.
10. In this instance, the request clearly relates to a specific criminal investigation and the Commissioner is therefore satisfied that the exemption is engaged.

### **Public interest test**

11. Section 30(1)(a) is subject to a public interest test. This means that even though the exemption is engaged, the information may only be withheld if, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
12. In accordance with his guidance, when considering the public interest in maintaining exemptions the Commissioner considers that it is necessary to be clear what they are designed to protect.
13. The purpose of section 30 of FOIA is to protect the police's (and other applicable public authorities) function of carrying out effective investigations.

### **Arguments in favour of disclosure**

14. Thames Valley Police did not acknowledge any factors in favour of disclosure. The Commissioner considers there is a general public interest in openness and transparency in relation to the investigations it conducts.
15. Disclosure of the information could lead to a better-informed public, promote trust in the police, and demonstrate accountability.

16. It is clear the complainant has a personal interest in this information.

### **Arguments in favour of maintaining the exemption**

17. Thames Valley Police have stated:

"It is our view that the public interest in disclosure of material collected during a police investigation which has not been made public as a result of a criminal trial would need to be extremely compelling... As outlined, we also have concerns that disclosing the material requested under FOI could create a perception among the wider public that information obtained during criminal investigations may be disclosed to the world at large outside of the criminal justice process. We believe that there is a real chance the broader position on disclosure of police material obtained during this process may deter people from cooperating with prosecuting authorities. There is a very significant public interest in avoiding that outcome."

### **The Commissioner's view**

18. In reaching a view on where the balance of the public interest lies in this case, the Commissioner has taken into account the nature of the requested information as well as the views of both the complainant and the police.
19. He accepts that it is important for the public to have confidence in the police's investigative capabilities. Accordingly, there is a general public interest in disclosure of requested information in order to promote accountability and transparency and to maintain confidence and trust.
20. The Commissioner understands the complainant's personal interest in gaining access to the requested information, however, it is important to reiterate that a disclosure under FOIA is a disclosure to the world at large and not just a private transaction between the public authority and the applicant.
21. He also recognises that there is a very strong public interest in protecting the investigative capabilities of public authorities. The Commissioner considers that appropriate weight must be afforded to the public interest inherent in the exemption – in this case, the public interest in the police being able to effectively conduct its function of carrying out criminal investigations.
22. The Commissioner notes Thames Valley Police's concerns that disclosing information considered as part of a criminal investigation could create a perception among the wider public that sensitive information about criminal investigations may be disclosed to the world at large, even where the evidence or statements have not resulted in prosecution. He

considers that there is a real chance this may deter people (including witnesses, complainants and suspects) from coming forward and cooperating with prosecuting authorities, particularly where criminal offences have been alleged. There is a very significant public interest in avoiding that outcome and it is a factor of some weight in favour of maintaining the exemption in this case.

23. Accordingly, the Commissioner is satisfied that Thames Valley Police is entitled to rely on section 30(1)(a) of FOIA to refuse to disclose the requested information and has therefore not gone on to consider whether section 40(2) was engaged.

## Right of appeal

---

24. 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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

25. 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.
26. 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

**Joanna Marshall**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**