

## **Explanation of the exemption applied**

In relation to the other records or communication made between the Commission and the police in the form of emails, letters and meeting notes are exempt from publication under section 30 ('investigations and proceedings conducted by public authorities') of the Freedom of Information Act 2000 (FOIA).

Section 30(1)(a) covers information that is held for the purpose of a criminal investigation conducted either with a view to its being ascertained whether a person should be charged with a criminal offence or, if a person has already been charged, whether they are guilty of it.

The public authority that performs the investigation need not also lay the criminal charges. In accordance with the FOIA, the Commission do not release details of individual events or investigations unless there is a strong public interest in doing so.

Section 30 is a qualified exemption so we are required to consider whether maintaining the exemption is in the public interest.

### **In favour of disclosure**

- There is a legitimate public interest in promoting the accountability and transparency of public authorities.
- Releasing details of issues being investigated may discourage others from pursuing illegal activities.

### **In favour of maintaining the exemption**

- Correspondence between both parties contains sensitive nature that can impact the proceedings of both parties.
- Once criminal investigations are concluded, any successful prosecutions become a matter of public record, discouraging others from pursuing illegal activities.
- Disclosing the detailed information contained within the correspondence is likely to impact on the amount of information police forces would be willing to share with the Commission, impacting on the Commission's ability to effectively investigate instances of illegal gambling activity.
- Disclosing the information would reveal operational processes and techniques which could allow those pursuing unlawful activity to evade detection more easily.

### **Weighing the balance**

Having considered the balance of the public interest, the Commission is of the view that disclosing this level of detail would be likely to negatively impact any current or future proceedings of criminal investigations by the Commission and the Police.

Having weighed these issues, the Commission is of the view that the public interest is best served through maintaining this exemption.