

22 July 2014

Dear Sirs,

Thank you for involving me in this process and I note the call for evidence by 24<sup>th</sup> July 2014.

My firm specialises in police work and has carried out work for many police forces in England and Wales.

I would like to draw your attention to one issue. The case and facts are confidential but it is really the issue that was raised which is relevant.

My clients assisted with an overseas enquiry and shared a good deal of material with the police in the foreign jurisdiction. This was sensitive material which would attract public interest immunity in England and Wales. If it were disclosed individuals would be at risk of death or serious injury.

The foreign rules of disclosure were different and there was a risk of it being placed in the public domain with the serious consequences described above. It was not, in fact, disclosed but only after the intervention of lawyers in that jurisdiction and diplomatic dialogue.

It seems to ourselves and our clients that a criminal directive raising a presumption that certain broad classes of documents attract public interest immunity and are not disclosable would assist. Obvious examples are the names of informants and police surveillance methods. There would of course have to be some legal test establishing the basis for disclosure or non disclosure. This could be similar to the English test, that the damage to the individual or state caused by disclosure outweighed any competing interest for disclosure. There would also need to be a mechanism to bring the matter before a court on an ex parte basis.

It seems to ourselves that such a directive would have two advantages. It would encourage law enforcement agencies to share information because there would be a presumption that certain material would not be disclosed. If discussions arose about disclosure there would be a proper judicial method to deal with it.

We do not have a wide enough knowledge of European law to comment about the rules of criminal disclosure across the European union. We do, however, believe that the British system is a good one which strikes an effective balance between the interests of the state and the individual.

Please let me know if I can be of anymore assistance.

With kind regards,

John Riddell.