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Sir Thomas Winsor ws
Her Majesty's Chief Inspector of Constabulary

Ms Elizabeth Denham
The Information Commissioner
Wycliffe House
Water Lane
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21 December 2017

Dear Ms Denham

INFORMATION DISCLOSURES BY FORMER POLICE OFFICERS

I am aware that you have received from the Commissioner of the Metropolitan Police a reference in relation to disclosures to the media of information concerning The Rt Hon Damian Green MP, and that you are considering whether the actions in question amount to unlawful conduct and the possibility of criminal proceedings against one or more former police officers.

2. My purpose in writing to you concerns the fact that, if you decide an offence has been committed, consideration may also have to be given to a public interest defence under the Data Protection Act 1998.
3. In such circumstances, I believe it would be of the greatest importance that, in assessing the public interest, consideration is given to the widest public interest in the protection by the police of the confidentiality of information obtained by the police.
4. The special powers which citizens confer on police officers are inseparable from the obligations of special trust placed in police officers to enable them to do their duty.
5. That trust requires every police officer to respect and keep confidential information which they obtain in the course of their duties and which is irrelevant to their inquiries and discloses no criminal conduct.
6. If a police officer broke that trust whilst serving as a police officer, he or she would face disciplinary action and could be dismissed.

7. The obligation of confidentiality, and the duty not to break trust, is an enduring one. It does not end when a police officer retires.

8. The public need to know that when information about their private lives comes into the possession of the police, and that information is irrelevant to the work of the police, its confidential and private nature will be respected in perpetuity.

9. If public confidence in this respect is damaged, and people do not believe they can trust the police in such circumstances, great harm may be done to the relationship between the police and the citizen, and consequently the efficiency and effectiveness of the police will be impaired. Such violations may have a chilling effect on the willingness of victims and witnesses, and suspects, to co-operate with the police, and that will be at the expense of public safety and justice.

10. If your consideration of the case reaches the stage of assessing matters of public interest, I shall of course be willing to provide you with such further representations as may assist you in that respect.

11. In the light of the public attention which this matter is now receiving, and in the interests of assuring the public that police officers' obligations of confidentiality are as I have stated, I am publishing this letter.

Yours sincerely,

[Sgd. Thomas P Winsor]

Sir Thomas Winsor
Her Majesty's Chief Inspector of Constabulary