

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.ukDate: 17th August 2021

Your ref: FOI

Our ref: FOI 2021 / 611

Reply contact name is: Kerry Merritt

Dear ***,

I write in connection with your request for information dated 21st July 2021 concerning CHIS funding.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and I am not obliged to supply the information you have requested.

You wrote:

I'm researching the use of Covert Human Intelligence Sources in contemporary protest movements. Please, can you respond to the following questions in the attached spreadsheet? If you would like to answer in different ways due to the way you record information please get in touch.

Also, please see the note on the public interest at the bottom.

1. How much money has the force paid to Covert Human Intelligence Sources (CHIS) providing information about Extinction Rebellion since the start of 2019? Please use the attached spreadsheet.
2. How many messages - including phone calls, emails and letters – have your most senior officers received from the Home Secretary mentioning Extinction Rebellion since the start of 2019? Please use the attached spreadsheet.
3. How many Covert Human Intelligence Sources (CHIS) have provided information about Extinction Rebellion since the start of 2019? Please use the attached spreadsheet.
4. How much money has the force paid to Covert Human Intelligence Sources (CHIS) providing information about Black Lives Matter (protests and organisations) since the start of 2020? Please use the attached spreadsheet.
5. How many messages - including phone calls, emails and letters – have your most senior officers received from the Home Secretary regarding Black Lives Matter since the start of 2020? Please use the attached spreadsheet.
6. How many Covert Human Intelligence Sources (CHIS) have provided information about Black Lives Matter since the start of 2020? Please use the attached spreadsheet.



INVESTOR IN PEOPLE

Our response:

Wiltshire Police can neither confirm nor deny that information is held relevant to your request as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

Section 23(5) Information supplied by or concerning certain Security Bodies

Section 24(2) National Security

Section 30(3) Investigations by virtue of s30(2) It relates to the obtaining of information from confidential sources

Section 31(3) Law Enforcement

Section 38(2) Health and Safety

Section 40(5) Personal Information

Please note - Section 23(5) and 40(5) are absolute exemptions and there is no requirement to articulate the harm or public interest test.

Harm in complying with s1(1)(a) – to confirm or not whether information is held

Any release under FOIA is a disclosure to the world, not just to the individual making the request. To confirm or not that information is held pertinent to this request would reveal whether or not Wiltshire Police has received intelligence on a specific subject area from Covert Human Intelligence Sources as well as confirming whether or not these CHIS have received monetary gain for their intelligence.

Police forces work in conjunction with other agencies and information is freely shared in line with information sharing protocols. Modern-day policing is intelligence led and this is particularly pertinent with regard to both law enforcement and national security. The public expect police forces to use all powers and tactics available to them to prevent and detect crime or disorder and maintain public safety. In this case the use of CHIS with regard to Extinction Rebellion and Black Lives Matter.

The prevention and detection of crime is the foundation upon which policing is built and the threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. The current UK threat level from international terrorism, based on intelligence, is assessed as substantial which means that a terrorist attack is likely.

In order to counter criminal and terrorist behaviour, it is vital that the police have the ability to work together, where necessary covertly, to obtain intelligence within current legislative frameworks to assist in the investigative process to ensure the successful arrest and prosecution of offenders who commit or plan to commit acts of terrorism.

To achieve this goal, it is vitally important that information sharing takes place between police officers, members of the public, police forces as well as other law enforcement bodies within the United Kingdom. Such action would support counter terrorism measures in the fight to deprive terrorist networks of their ability to commit crime.

The impact of providing information under FOI which aids in identifying whether or not Wiltshire Police has received intelligence from CHIS relating to Extinction Rebellion and BLM, as well as confirming whether payment was received for the intelligence, would provide those intent on committing criminal or terrorists acts with valuable information as to where the police are targeting their investigations.

In addition, to confirm or deny whether information is held in this case has the potential to undermine the flow of information (intelligence) received from CHIS as well as members of the public into the Police Service relating to these types of offenders thereby undermining National Security and leaving the United Kingdom at risk of more terrorist attack.

Public Interest Considerations

Section 24(2) National Security

Factors favouring complying with s(1)(1)(a) confirming that information is held

The public are entitled to know how public funds are spent and resources distributed within an area of policing, particularly with regard to how the police investigate terrorist offending. To confirm whether or not information exists would enable the general public to hold Wiltshire Police to account in relation to how they gather intelligence within areas of policing.

Furthermore, confirming or denying may improve public debate and assist the community to take steps to protect themselves.

Factors against complying with s1(1)(a) neither confirming nor denying that information is held

Taking into account the current security climate within the United Kingdom, no information which may aid a terrorist should be disclosed. To what extent this information may aid a terrorist is unknown, but it is clear that it will have an impact on a force's ability to monitor terrorist activity.

The public entrust the Police Service to make appropriate decisions with regard to their safety and protection. The only way of reducing risk is to be cautious with what is placed into the public domain.

The cumulative effect of terrorists gathering information from various sources would build a picture of vulnerabilities within certain scenarios, as in this case which forces have received intelligence from CHIS' relating to this subject area. The more information disclosed over time will provide a more detailed account of the intelligence received into the force relating to these types of protests.

Section 30(3) Investigations

Factors favouring complying with s1(1)(a) confirming information is held

Confirming or denying whether information exists relevant to this request would lead to a better informed general public by identifying that Wiltshire Police robustly gather intelligence received into their force from confidential sources, relating to protests. This fact alone may encourage individuals to provide intelligence in order to assist with investigations and would also promote public trust in providing transparency and demonstrating openness and accountability into where the police are currently focusing their investigations.

The public are also entitled to know how public funds are spent.

Factors against complying with s1(1)(a) neither confirming nor denying that information is held

Modern-day policing is intelligence led. To confirm or not whether Wiltshire Police has received intelligence from a confidential source (CHIS) relating to Extinction Rebellion/BLM could hinder the prevention and detection of crime and undermine any ongoing investigations, by restricting the flow of information into the force.

Section 31(3) Law Enforcement

Factors favouring complying with s1(1)(a) confirming information is held

The fact that the Police Service use CHIS to assist in the delivery of effective operational law enforcement is published and that in itself favours disclosure.

Factors against complying with s1(1)(a) neither confirming nor denying that information is held

Wiltshire Police has a duty of care to the community at large and public safety is of paramount importance. If an FOI disclosure revealed information to the world (by citing an exemption or stating no information held) that would assist an offender, such an action would undermine the security of the national infrastructure, by revealing our 'intelligence' thereby highlighting vulnerabilities force by force.

By its very nature, by confirming or denying this information is held would undermine the effective delivery of operational law enforcement. Under FOI there is a requirement to comply with s1(1)(a) and confirm what information is held. In some cases, it is that confirmation, or not, which could disclose facts harmful to members of the public, police officers, other law enforcement agencies and their employees.

Section 38 Health and Safety

Factors favouring complying with Section 1(1)(a) confirming information is held

Confirming whether information is or isn't held would provide reassurance to the general public that Wiltshire Police use tactical options with regard to the use of Covert Human Intelligence Sources as a means of acquiring intelligence. This awareness could be used to improve any public consultations; debates in relation to this subject and also allow the public to take steps to protect themselves.

Factors against complying with Section 1(1)(a) confirming or denying that information is held

Confirming or denying that information exists could lead to the loss of public confidence in Wiltshire Police ability to protect the wellbeing of individuals recruited as CHIS as well as members of the community at large.

Wiltshire Police has a duty of care towards any individual who has been recruited as a CHIS. To reveal information via an FOI request which would place the safety of individuals in grave danger, is not in the public interest.

Balance Test

The points above highlight the merits of confirming, or denying, whether information pertinent to this request exists. The security of the country is of paramount importance and the Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, various operations with other law enforcement bodies may or may not be ongoing. The Police Service will never divulge whether or not information is held if to do so would place the safety of individual(s) at risk or undermine National Security.

Whilst there is a public interest in appropriately and effectively engaging with the threat from criminals, there is a very strong public interest in safeguarding National Security. As much as there is a public interest in knowing that policing activity is appropriate and balanced in matters of National Security, this will only be overridden in exceptional circumstances.

The public entrust the Police Service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with any information that is released. Confirming or denying whether information is or isn't held would definitely reveal policing activity and would assist those intent on causing harm. Any incident that results from confirmation or denial would, by default, affect National Security.

Therefore, at this moment in time, it is our opinion that for these issues the balance test for confirming, nor denying, that information is held with regard to questions 1, 3, 4 and 6 is made out. No inference can be taken from this refusal that information does or does not exist.

Question 2: **None.**

Question 5: **None.**

Section 17 of the Freedom of Information Act 2000 requires the Wiltshire Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemption applicable to the information requested is:

- Section 23(5) Information supplied by or concerning certain Security Bodies
- Section 24(2) National Security
- Section 30(3) Investigations by virtue of s30(2) It relates to the obtaining of information from confidential sources
- Section 31(3) Law Enforcement
- Section 38(2) Health and Safety
- Section 40(5) Personal Information

In accordance with section 17 of the Act, this letter represents a Refusal Notice for this particular request.

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Kerry Merritt
Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.pnn.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original FoI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk