



Force Disclosure Unit

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.uk

disclosure@wiltshire.pnn.police.uk

Date: 18th January 2021

Your ref: FOI

Our ref: FOI 2022 / 017

I write in connection with your request for information dated 7th January concerning terrorism related searches and arrests.

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:

1. Between the 1st of January 2021 and the 1st of January 2022 how many persons have been searched under Section 43 of the Terrorism Act 2000 by officers from your force, (if possible, can you provide a breakdown of the date and outcome of the search).
2. Between the 1st of January 2021 and the 1st of January 2022 how many arrests have been made by officers from your force as a result of a search of an individual under Section 43 of the Terrorism Act 2000, (if possible, can you provide a breakdown of the date and outcome of the arrest, charged or released no further action).
3. Between the 1st of January 2021 and 1st of January 2022 how many persons have been arrested within your Police area for offences related to terrorism and if possible could you provide a breakdown by date and offence, outcome if known.

Our response:

Response Exempt :-

S24 (1) National Security

S31 (1) Law Enforcement



Evidence of harm:

The threat of terrorism cannot be ignored. It should be recognised that the international security landscape is increasingly complex and unpredictable. The UK faces a sustained threat from violent terrorists and extremists. Since 2006, the UK Government has published the threat level, based upon current intelligence and that threat is currently categorised as 'substantial', see below link:

<https://www.mi5.gov.uk/threat-levels>

The disclosure of the requested information would undermine Wiltshire Polices Counter Terrorism units (CTU) which would consequently be detrimental to our ability to be able to deal with the on-going terrorist threat we face. Providing the requested data would allow comparison of CTU's across the country and enable terrorists to build a picture of what resources are in place and where they are deployed. It is felt that the disclosure of this information would prejudice the effectiveness of the national counter terrorism effort and would allow inferences to be drawn about force level Counter Terrorism (CT) activity.

Disclosure of information below a national figure could allow individuals to exploit what might appear to be less active or resourced areas, by analysing patterns of police activity and deployments over time, ultimately to avoid detection. This would infer CT policing resources and by analysing similar data from around the country, it would allow criminals to understand national CT policing activity. For example, it would enable terrorists to make judgments on where they perceive there to be greater vulnerability, lower staff levels and lesser probability of being apprehended, which would ultimately increase the risk and vulnerability to the security of the UK from terrorist attack.

Public Interest Test

Factors favouring disclosure for Section 24:

The public are entitled to know how public funds are spent and by disclosing this information the public would be able to see where public money is being spent and know that forces are doing as much as they can to combat terrorism.

Factors favouring non-disclosure for Section 24:

To disclose this information would render Security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK. The risk of harm to the public would be increased if the location of vulnerable areas of the UK were made public as this would provide opportunity for terrorist planning. Ongoing or future operations to protect the security or infrastructure of the UK would be compromised as terrorists could map across the country the level of counter-terrorist activity, giving them the knowledge of force's individual capabilities.

Factors favouring disclosure for Section 31:

By disclosing the information the public would see where public funds are being spent and would be able to take steps to protect themselves and their families. Better public awareness may reduce crime or lead to more information from the public as they would be more observant in reporting suspicious activity. The Home Office regularly publish national statistical data on terrorism arrests.

Factors favouring non-disclosure for Section 31:

By disclosing this information law enforcement tactics would be compromised, which would hinder the prevention and detection of terrorist crime. More crime would be committed because

terrorists would know which areas had less CT capability and capacity and individuals would therefore be placed at a greater risk. A fear of crime would be realised because if the terrorists identified more vulnerable areas or identified areas where there is more police activity, they would target and exploit these areas and the public would be in fear of more terrorist activity occurring.

Balance Test

The security of the country is of paramount importance and the Police service will not divulge information if to do so would place the safety of an individual at risk or undermine National Security. Whilst there is a public interest in the transparency of policing operations and in this case providing assurance that the police service is appropriately and effectively engaging with the threat posed by terrorists, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in the highly sensitive area of terrorism.

As much as there is public interest in knowing that policing activity is appropriate and balanced in matters of national security this will only be overridden in exceptional circumstances. CTU capabilities are high-profile sensitive issues of intelligence value to the terrorist and therefore it is our opinion that for these issues the balancing test for disclosing the information requested is not made out.

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 24 (1) National Security

- (1) Information which does not fall within section 23(1) is exempt information if exemption from section 1(1)(b) is required for the purpose of safeguarding national security.

Section 31 (1): Law Enforcement

(a) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

(a) the prevention or detection of crime,

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,

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