

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.uk

XXXXXX – by E Mail

Date: 29th December 2022

Your ref: FOI

Our ref: FOI 2022 / 978

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 9th December 2022 concerning Large-Scale protest actions attended by Wiltshire Police.

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 - having consulted our Force Operations Team - I am not able to provide you with a full response.

You wrote:

I'm writing to you under the Freedom of Information Act (2000) to ask that you please disclose to me the operation names of any large-scale protest action that you have been called out to as a force over the last two calendar years (2021, and 2022).

It is only basic details of these operations I require. I'm not asking for internal documents, workings, technologies used, number of officers deployed, cost of this, or anything other than the following:

Operation name

Date

The name of the group involved (this could span anything from white nationalists to environmentalists - XR, BLM, National Action, EDL, NBU, Insulate Britain, Women's Rights marches, anti-military Marches like the anti-Elbit Systems action recently, and things like this)

Number of people arrested

I'd also like to know what constitutes a "large scale operation" please.

I have been made aware that forces may not be able to answer, for example, questions about smaller operations like protests of one person, so I've been advised by multiple forces that large scale operations carry a much higher chance of being answerable within cost limit.



INVESTOR IN PEOPLE

If possible, and if it isn't exempt, I'd also like a list (if it exists in this format) of the groups that are of most interest to you regarding these large-scale operations, or which exist on a list of monitored groups, again this could include any type of organisation but I'm really only looking for the bare bones basics of the most of note (top ten, or top five) groups that are of concern to your force.

Our response:

Questions 1 and 3

In respect of overt Police presence at protests in the last 2 years, I have listed below details of those protests in the last 2 years where a dedicated public order command structure has been in place, though it should be noted that **none of these operations resulted in a large scale protest.**

Date	Event	Protest Theme	Arrests
05/09/22 - 01/11/22	Badger Cull	Animal Rights	0
14/06/2022	Rwanda Deportation flight	Pro-immigration/ anti-government	0
19/04/2022	UNESCO Visit to Stonehenge world heritage site/ A303 tunnel	Environmentalism	0
02/04/2022	Hunt	Animal Rights	0
12/03/2022	Hunt	Animal Rights	0
19/02/2022	Hunt	Animal Rights	0
31/08/21 - 02/11/22	Badger Cull	Animal Rights	0

In regards to the names of the above Police Operations, this information is exempt under Section 31 of The Act (Law Enforcement) – details below.

In addition, with regard to whether there has been any covert presence by Wiltshire Police at specific protests or demonstrations in either 2021 or 2022, I am unable to confirm or deny that we hold any information in respect of this 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
- Section 31(3) Law Enforcement

Sections 24(2), 30(3) and 31(3) are qualified exemptions which require a statement detailing the potential harm should disclosure be made and a full public interest test needs to be undertaken and the results articulated, details as follows :-

Overall Harm

Any release under FOIA is a disclosure to the world, not just to the individual making the request. Providing any notice that confirms or denies the existence of any other policing operations at

protests would make security measures less effective. In addition, the Police are charged with enforcing the law, detecting and preventing crime, and protecting the communities we serve. Confirming or denying whether any other information is held would impact on the effectiveness of police investigations, thereby hindering the prevention and detection of crime.

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 crime including acts of extremism and 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 policing and counter-terrorism measures in the fight to deprive criminals including extremists of their ability to commit crime.

The impact of providing information under FOI which aids in identifying whether or not Wiltshire Police has conducted any other counter criminal or terrorist operations at protests would provide those intent on committing such acts in the future with valuable information as to where the police are targeting their investigations.

Public Interest

Factors favouring confirmation or denial – Section 24

Providing confirmation or denial as to the extent of any operations safeguarding matters of national security at large scale events would improve public confidence in the work of the police and reassure them that Wiltshire Police is taking necessary steps to counter extremism and terrorism.

Factors against confirmation or denial – Section 24

If Wiltshire Police were to confirm or deny that any other information was or was not held, this could prejudice the Government's ability to maintain national security. It is not in the public interest to disclose the capabilities of the police service and other UK authorities and the operations that they may or may not use to safeguard the country. This would allow determined individuals the ability to, over time, identify which public authorities hold certain types of national security information and which do not, thereby allowing inferences to be drawn about what authorities or bodies might have an interest in certain matters of national security.

Any response that has the potential to undermine ongoing and future operations to protect the security of the United Kingdom would significantly increase the risk of harm to the community at large. Such actions would obviously not be in the best interest of the public.

Factors favouring confirmation or denial – Section 30

Disclosing information about any investigations under an operations banner would provide a greater transparency in the investigating process and the actions of a public authority. It is clear that there is a public interest in public authorities operating in as transparent a manner as possible, as this should ensure they operate effectively and efficiently.

Factors against confirmation or denial – Section 30

There is an inherently strong public interest in public authorities carrying out investigations to prevent and detect crime. This ensures that offenders are brought to justice and that the necessary actions are taken to safeguard public funds and resources. To allow the effectiveness

of investigations to be reduced, as described in the harm above, is not in the public interest. The Police need to be allowed to carry out investigations effectively away from public scrutiny until such times as the details need to be made public, otherwise it will be difficult for accurate, thorough and objective investigations to be carried out.

Factors favouring confirmation or denial – Section 31

This FOIA request concerns operations conducted by Wiltshire Police at large scale protests. This may include the involvement of Wiltshire Police in multi-agency operations, given groups who could be involved, and there is likely to be a public interest into what specific involvement each agency had within such an investigation. Therefore this in itself favours confirming whether the information is held.

Factors against confirmation or denial – Section 31

To confirm or deny that any other information is held would compromise law enforcement tactics, including covert activity, in areas which may include serious and organised criminality, as well as extremism and counter terrorism. This would hinder the UK Police service's ability to prevent and detect criminality overall. By confirming that Wiltshire Police had conducted any operations of such a nature, or alternatively stating that they had not, would give vital information to criminals regarding areas of more or less policing activity (including covert policing). Criminals could take steps to avoid detection if they are aware of force areas that do not take part in such operations. The ability of the UK police service to effectively investigate organised crime, or counter terrorist behaviour would be severely compromised.

Operation names are integral to operational security, they allow discussion of and communication regarding an operation without compromising operational security. Whilst some "operation names" are used in press releases this is part of an organised publicity campaign and not linked to the operational security issue involved.

Balance test

The security of the country is of paramount importance and the police service will not divulge whether information is or is not held if to do so could undermine national security or compromise law enforcement. 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 the criminal fraternity, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in this area.

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.

There is also no requirement to satisfy any public concern over the legality of police operations and the tactics we may or may not use. Forces are already held to account by statute, for example the Police and Criminal Evidence Act and the Regulation of Investigatory Powers Act and independent bodies such as Her Majesty's Inspectorate of Constabulary, the Independent Police Complaints Commission, and the Office of the Surveillance Commissioner. Our accountability is therefore not enhanced by confirming or denying whether any information is held. Therefore, it is our opinion that for these issues the balancing test for confirming or denying whether any information is held regarding these techniques is not made out. This argument is obviously transferable to all police tactics.

None of the above can be viewed as an inference that the information you seek does or does not exist.

Question 2

Wiltshire Police have no specific definition of what constitutes a “large scale operation” per-se.

The scale and impact varies from force to force as it depends on resource required versus overall capacity. The forces’ “pre-planned event and operational planning procedure” refers to a high risk event defined as below:

Category C – High Risk

11.1 An event characterised by high community impact, and medium/high impact upon Force business continuity or reputation

11.2 Planning will be undertaken by the Force Event and Operations Planning team and an operational order prepared in the appropriate format.

11.3 Police resources are likely to be sourced from across the force, with the utilisation of Level II resources.

11.4 These events are likely to require a public order command structure with appropriately qualified commanders and PSU officers.”

Question 4

Wiltshire Police can neither confirm nor deny that information is held relevant to your request for a list of groups that are “of most interest to Wiltshire Police regarding these large-scale operations” or which “exist on a list of monitored groups” 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 31(3) Law Enforcement

Sections 24(2) and 31(3) are qualified exemptions which require a statement detailing the potential harm should disclosure be made and a full public interest test needs to be undertaken and the results articulated, details as follows :-

Overall harm

The threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. 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 UK continues to face a sustained threat from violent extremists and terrorists.

In order to counter criminal and terrorist behaviour it is vital that the police have the ability to work together, 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 security law enforcement bodies within the United Kingdom and internationally if appropriate. This information sharing supports counter-terrorism measures in the fight to deprive extremists and terrorist networks of the ability to commit crime.

To confirm or deny whether information is held relevant to this question would be extremely useful to those involved in criminal activities and also terrorists as it would enable them to identify police intelligence and whether covert police techniques, including surveillance are being used. This harm is magnified when a request for information is made to all forces, as through individual force confirmation or denial of whether information was held, a national picture would very quickly become apparent of where in the UK police are undertaking monitoring activity, and where they are not.

Any disclosure no matter how generic, which may assist a criminal, terrorist or terrorist organisation will adversely affect public safety.

The Police Service is committed to demonstrating proportionality and accountability regarding surveillance techniques to the appropriate authorities. However, if the Police Service were to either confirm or deny that information exists, it would highlight where the focus of police intelligence and surveillance on specific groups was across the UK. The impact could undermine national security, any on-going investigations and any future investigations, as it would enable targeted individuals/groups to become surveillance aware. This would help subjects avoid detection, and inhibit the prevention and detection of crime.

Public Interest Test

Factors favouring complying with Section 1(1) (a) confirming that information is held - S24

The public are entitled to know how public funds are spent and how resources are distributed within an area of policing. To confirm that specific groups are monitored would enable the general public to hold Wiltshire Police to account where investigations are concerned. In the current financial climate and with the call for transparency of public spending, this would enable improved public debate and give further reassurance to the public.

Factors against complying with Section 1(1) (a) confirming or denying that information is held s24

Security measures are put in place to protect the community we serve. To confirm or deny specific groups are monitored would highlight to terrorists, and individuals intent on carrying out criminal activity, vulnerabilities within policing.

Irrespective of what information is or isn't held, 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 what is placed into the public domain.

To confirm or deny whether the Force hold information would allow inferences to be made about the nature and extent of national security related activities which may or may not take place in a given area. This could enable extremist and terrorist group(s) to take steps to avoid detection, and as such, confirmation or denial would be damaging to National Security. 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.

By confirming or denying any policing arrangements of this nature would render national 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 and increase the risk of harm to the public.

Factors favouring complying with Section 1(1) (a) confirming that any other information is held - s31

Confirming that information exists would lead to a better informed public which may encourage individuals to provide intelligence in order to reduce offences.

Factors against complying with Section 1(1) (a) neither confirm nor denying that any other information is held - s31

Confirmation or denial that information is held in this case would suggest Wiltshire Police take their responsibility to protect information dismissively and inappropriately.

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 that would undermine the security of the national infrastructure, offenders, including terrorist organisations, could use this to their advantage which would compromise public safety and more worryingly encourage offenders to carry out further crimes.

By its very nature, information relating to the use of police intelligence and surveillance within a specific force area undoubtedly undermines the effective delivery of operational law enforcement. Under FOI there is a requirement to comply with Section 1(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.

Balance test

The security of the country is of paramount importance and the police service will not divulge whether information is or is not held if to do so could undermine national security or compromise law enforcement. 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 the criminal fraternity, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in this area.

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.

There is also no requirement to satisfy any public concern over the legality of police operations and the tactics we may or may not use. Forces are already held to account by statute, for example the Police and Criminal Evidence Act and the Regulation of Investigatory Powers Act and independent bodies such as Her Majesty's Inspectorate of Constabulary, the Independent Police Complaints Commission, and the Office of the Surveillance Commissioner. Our accountability is therefore not enhanced by confirming or denying whether any information is held. Therefore, it is our opinion that for these issues the balancing test for confirming or denying whether any information is held regarding these techniques is not made out. This argument is obviously transferable to all police tactics.

None of the above can be viewed as an inference that the information you seek does or does not exist.

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,

Nick Penny
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 Fol 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