

**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 Email

Date: 9th February 2024

Your ref: FOI

Our ref: FOI 2024 - 163

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 8th February 2024 concerning Threats to Life Against MP's.

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:

Under the Freedom of Information Act, I would like to request the following information:

How many threats to life against sitting members of parliament were under investigation by your force at any point in the 2023 calendar year?

Please provide the information in table format, broken down by the number of threats to life made against each MP (names can be anonymised, of course).

Our response:

To confirm or deny that crimes of this nature were made against any sitting Members of Parliament would publicly state that an individual had made allegations which were investigated by Wiltshire Police.

Such a confirmation would identify policing operations, which would hinder the prevention and detection of crime and disclose personal information, placing those individuals in danger and as such Sections 30(3), 31(3), Section 38(2) and 40(5) of the Act are engaged.

Please note this response should not be taken as an indication of whether or not the requested information is held.



Overall Harm

In considering whether or not Wiltshire Police confirm they hold the information requested I have considered the potential harm that could be caused by such a disclosure.

A Freedom of Information request is not a private transaction. Both the request itself, and any information disclosed, are considered suitable for open publication. This is because, under the Act, any information disclosed is released into the wider public domain, effectively to the world, not just to an individual. Whilst not questioning the motives of the applicant by confirming information is held in relation to this request could allow those who seek to cause harm to disrupt the investigation as it would by a process of elimination, enable individuals to identify if specific people or groups have or have not been subject of a police investigation, leading to an increase of harm to either the investigation itself or the subject of the investigation.

To confirm or deny that the requested information is held or provide details relating to any investigation may be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public. Therefore, confirmation or denial that information is held would compromise Wiltshire Police's ability to accomplish its core function of law enforcement.

The threat from 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 have published the threat level, as set by the security service (MI5) based upon current intelligence. The current threat level to the UK is 'Substantial', which means an attack is likely: [Threat Levels | MI5 - The Security Service](#)

In consideration of the ramifications of this threat level, it would not be wise to confirm or deny whether allegations of crimes against serving MPs, as to do so could possibly compromise the current or future law enforcement role of the police by releasing information, if held, relating to investigations. Any confirmation of information held could have an adverse effect on securing the health and safety and welfare of these individuals at work or in their private life.

Modern-day policing is intelligence led and information of this nature, if held, needs to be treated with extreme sensitivity as it could have a detrimental effect on the operational effectiveness of Wiltshire Police. There are significant risks associated with the confirmation of such information in relation to any aspects of an operation, as to provide such details would reveal which alleged crimes have been of interest to the police, some of which may be terror related, which would provide criminals and terrorists of today with an insight into how the police operate, and people who wish to harm the citizens of Wiltshire with the opportunity of disrupting police activity.

This could be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public and might require Wiltshire Police to actually have to increase the amount of officers available to them thus increasing the cost to the public purse.

Government reports suggest that at any one time the police and security agencies are contending with many terrorist plots, terrorist groups or networks and individuals who are judged to pose a threat to the well-being of the UK and or UK interests. While the plots may not necessarily all be directed at specific individuals or locations, Wiltshire Police have a duty to promote the safety of all individuals. Public safety is of paramount importance to the policing purpose and must be taken into account in deciding whether to confirm or deny the information.

It may be recalled, the tragic murder of Jo Cox, Labour MP, and more recently the fatal stabbing of [Sir David Amess which has been declared a terrorist incident](#), highlights the real dangers faced by those in high profile public positions and to confirm or deny that information is held could act as an inspiration to those who intend to cause harm to other MPs. In the current environment of a real and serious threat of terrorist activity, confirming or denying whether information is or is not

held, could assist an extremist faction who have the relevant time and know how, and would put people's lives at risk.

Public Interest Test

Factors favouring confirmation or denial for s24 – The public are entitled to know how funds are spent and resources distributed within an area of policing, particularly with regard to how the police investigate terrorist atrocities. To confirm whether any information exists would enable the general public to hold Wiltshire Police to account.

Factors against confirmation or denial for s24 – 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, such as crimes reported by or against MPs. The more information that is disclosed over time will provide a more detailed account of the tactical infrastructure of not only a particular force area but also the country as a whole.

Any incident that results from such a disclosure would by default affect National Security.

Therefore by confirming or denying that information exists relevant to this request would harm the close relationship that exists with such organisations, where trust and confidence has been built up.

Factors favouring confirmation or denial for S30 – To confirm or deny information is held would provide an insight into the police service and enable the public to have better understanding of the effectiveness of the police. To disclose whether information was or was not held would enhance the transparency and accountability of Wiltshire Police and its operations; particularly in relation to the spending of public money and decisions taken by its employees. This may also enhance public confidence in the police.

Confirmation or denial that any information is held could allow the public to make informed decisions about how police gather intelligence. This would greatly assist in the quality and accuracy of public debate, which would otherwise likely be steeped in rumour and speculation.

Factors against confirmation or denial for S30 – By confirming or denying whether there is or has been an investigation relating to crimes reported by MPs from their constituency, and whether this is still ongoing would hinder the prevention or detection of crime. Wiltshire Police would not wish to reveal about who, what and when intelligence is recorded as this would clearly undermine the law enforcement and investigative process. This would impact on police resources and more criminal incidents would be committed, placing individuals at risk.

Confirmation or denial that this level of policing activity has or has not occurred in any specific area would enable those engaged in criminal or terrorist activity to identify the focus of policing activity and any tactics that may or may not be deployed.

To confirm or deny the existence of such information would also reveal policing tactics regarding who was of interest to the police generally. This could be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

Factors favouring confirmation or denial for S31 - By confirming or denying whether an investigation relating to threats to MP's has taken place the public would see where public funds have been spent and allow the Police service to appear more open and transparent. Disclosure of the requested information, if held, would reassure the public that the police pursue all allegations

of crime and resulting investigations are conducted robustly to ensure their health, safety and welfare. Better public awareness may lead to more information from them.

Factors against confirmation or denial for S31 - By confirming or denying whether specific individuals are or have been of interest to Wiltshire police would mean that law enforcement tactics would be compromised, which would hinder the prevention and detection of crime. To disclose whether information were held would allow criminals, fixated individuals or terrorists to be aware of whether their activities were being monitored and evade prosecution. Any disclosure of information, if held, which result in the police's inability to operate effectively and efficiently, would require a review and in all likelihood a need for more resources adding to the cost of the public purse.

Factors favouring confirmation or denial for S38 – To confirm or deny that information is held would allow for better informed public awareness and debate. Confirming or denying whether information is held relevant to the request does not reveal a 'significant risk' to anyone's safety.

Factors against confirmation or denial for S38 – Confirming or denying that information is held in relation to this request would have a negative impact on any Member of Parliament. Given the recent murder of Sir David Amess, there are significant risks associated with confirming or denying a crime, since it may motivate others to commit a similar crime, placing these MPs in the vicinity of them in a position of danger. This would lead to a loss in confidence in Wiltshire Police protecting the public overall. Any disclosure of information, if held, which has an adverse effect cannot be in the public interest.

Overall Balance Test

Wiltshire Police will not divulge whether information is or is not held if to do so would undermine an investigation and therefore compromise law enforcement or place the safety of an individual at risk. Whilst there is a public interest in the transparency of policing operations and providing assurance that the police service is appropriately and effectively managing the threat from terrorism atrocities, that could be posed by certain individuals or groups, there is a very strong public interest in safeguarding the integrity of police investigations and operations.

As much as there is public interest in knowing that policing activity is appropriate and balanced in matters of investigations this will only be overridden in exceptional circumstances. The areas of police interest is a sensitive issue that reveals local intelligence. To confirm or deny the existence of any information that you have requested, if held, into the public domain could enable criminals to identify the focus of policing activity and evade prosecution. Any disclosure of information, if held, which harms the law enforcement functions of Wiltshire Police by hindering the detection and prevention of crime as well as harming the National Security of the United Kingdom cannot be in the public interest.

The public interest is not what interests the public but what will be of greater good, if released, to the community as a whole. The final decision to neither confirm nor deny whether information you have requested is held, is therefore based on what is in the public interest and not what is of interest to the public.

Section 40 - Personal information

Section 40 of the Freedom of Information Act 2000 is designed to address information that is covered by the Data Protection Act 1998.

Under section 40(5)(b)(i), the MPS is not required to comply with the requirements of section 1(1)(a) i.e. the duty to inform the applicant whether or not the information is held.

In reaching this decision the Information Commissioners own guidance proved useful and I have attached the appropriate link for your information and perusal.

https://ico.org.uk/media/for-organisations/documents/1206/neither_confirm_nor_deny_in_relation_to_personal_data_and_regulation_fo_i_eir.pdf

If held, any information would belong to a third party, namely the MPs who currently sit in the various constituencies, and any acknowledgement as to whether or not pertinent information is or is not held would, Wiltshire Police contends, breach Principal 1 of the Data Protection Act 1998.

It is also relevant to state that confirmation either way may be likely to impair the ability of Wiltshire Police to protect personal data in relation to similar requests for information in the future.

To the extent that the information requested would, if held, contain personal data, Wiltshire Police is not required to confirm or deny whether such information is held subject to the provisions of section 40(5)(b)(i) of the Act.

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(2) – National Security
- Section 30(3) - Criminal Investigations
- 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

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 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