



Our Ref: 002390/20

Your Ref:

Address Correspondence to: Information Management

Date 10 August 2020

Freedom of Information Act 2000

I write further to your request for information received 17/07/2020.

I note you seek access to the following information:

I am writing to you under the Freedom of Information Act 2000 to request the following information about Schedule 7 forms.

I recently asked the NCTPHQ a question about a Schedule 7 form I was sent (attached to this email). As you can see, the form lists the details asked of people subject to Schedule 7 examinations. The NCTPHQ responded that it didn't match the form they use, but added: "the form that you have may be a local form used by a specific port. You may wish to make individual requests with [police] forces."

Accordingly, I now wish to get the Schedule 7 forms used by Leicestershire's individual ports and airports. A full list can be found in the Schedule 7 act, and I believe the ones in your area are:

Ports: None

Airports: East Midlands

Please could provide me with the following:

- 1. The "Details of Examinee" form used by your ports and airports. Please be aware that different ports and airports may use different forms. Please also be aware that the form may not be titled "details of examinee", but I want the form that asks for the examinees' details.*
- 2. If you cannot provide me with the form(s), please explain why. Please further advise me whether the Schedule 7 forms used in your area ask an examinee to detail their religion. Please also explain which ports and airports, if any, ask an examinee to give their religion.*

I would like the above information to be provided to me as electronic copies emailed to mirreng@libertyhumanrights.org.uk. If this isn't possible, then please send them as paper copies to Mirren Gidda, Liberty House, 26-30 Strutton Ground, London, SW1P 2HR.

If this request is too wide or unclear, I would be grateful if you could contact me as I understand that under the Act, you are required to advise and assist requesters. If any of

this information is already in the public domain, please can you direct me to it, with page references and URLs if necessary.

If the release of any of this information is prohibited on the grounds of breach of confidence, I ask that you supply me with copies of the confidentiality agreement and remind you that information should not be treated as confidential if such an agreement has not been signed. If it is not possible to provide the information requested due to the information exceeding the cost of compliance limits identified in Section 12, please provide advice and assistance, under the Section 16 obligations of the Act, as to how I can refine my request.

Following receipt of your request, searches were conducted within Leicestershire Police to locate information relevant to your request.

Your request for information has now been considered and the information asked for is as follows: -

Q1 Please see the attachment to The Email

Q2, Q3 & Q4 –

Forces are required to record local data which gets collated for this national publication, however any information relating to schedule 7 examinations held at force level will exempt by virtue of :

Section 24 (1) **National Security** and

Section 31 (1)(a)(b) **Law Enforcement**

Nationally collated data is available via the Home Office and includes both the total number of examinations as well as a breakdown by ethnicity. This can be found on their website:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/891123/operation-police-powers-terrorism-mar2020-annual-tables.xlsx

Evidence of 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.

The disclosure of the requested information would undermine the use of Schedule 7 and this would consequently be detrimental to our ability to be able to deal with the on-going terrorist threat we face. By providing the number of examinations and ethnicity/religion of those examined, would allow comparison of Schedule 7 activity in different force areas 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 our force level CT activity.

Information relating to specific regions or forces would enable terrorists to make judgments concerning their preferred travel routes and target ports where they perceive there to be a greater vulnerability, lower staff levels and lesser probability of being stopped. The release of figures that are too detailed is likely to frustrate Special Branch activity in response to changing terrorist travel patterns. Ultimately, this constant disruption would reduce the effectiveness and efficiency of Special Branch port units, increase the advantage to the terrorist and increase the risk and vulnerability to the security of the UK from terrorist attack.

Public Interest Test

Factors favouring disclosure for S24

The information simply relates to national security and disclosure would not actually harm it. 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 The factors favouring non-disclosure for S24

Disclosing 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.

The factors favouring disclosure for S31

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.

Factors favouring non-disclosure for S31

By disclosing the information law enforcement tactics would be compromised which would hinder the prevention and detection of terrorist crime. More crime would be committed because the terrorists would know which forces had less CT capability and capacity and individuals would therefore be placed at higher risk. A fear of crime would be realised because if the terrorists identified 'softer' border entry points, they would target and exploit these areas and the public would be in fear of more terrorist activity occurring. There would be an impact on police resources because if the number of Schedule 7 stops was disclosed per force, the more vulnerable forces may need to increase their resources to reassure and protect the community.

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, undermine National Security or 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 a

terrorist attack, 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. Schedule 7 and other CT measures are high-profile sensitive issues are 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.

Leicestershire Police provides you the right to ask for a re-examination of your request under its review procedure. Letters should be addressed to Information Manager, Corporate Services Department at the above address. If you decide to request such a review and having followed the Force's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

Freedom of Information Officer

Leicestershire Police

Leicestershire Police in complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law.

Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to The Information Manager, Leicestershire Police Headquarters, St. Johns, Enderby, Leicester LE19 2BX.