



Our Ref: 001878/21

Your Ref:

Address Correspondence to: Information Management

Date 29 June 2021

Freedom of Information Act 2000

I write further to your request for information received 02/06/2021.

I note you seek access to the following information:

Please could you provide the answers to the below questions for each of the following time periods: 2018 (calendar year), 2019 (calendar year), 2020 (calendar year) and between 01/01/21 and 31/05/21.

How many members of your police force were referred to Prevent, the UK's terrorism prevention programme, by your police force over the requested period?

Can you please tell me the exact date (in format DD/MM/YYYY) this person was referred to Prevent, the rank of the officer who was subject to the referral (i.e. level of seniority) at the time of referral and the 'type of concern' the officer was referred to Prevent in relation to (for example, but not limited to: islamist radicalisation or right-wing radicalisation).

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

The Leicestershire Police Service can neither confirm nor deny that it holds the information you requested as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

- Section 24(2) National Security;
- Section 30(3) Investigations;
- Section 31(3) Law enforcement;
- Section 40(5) Personal Information;

This should not be taken as conclusive evidence that any information that would meet your request exists or does not exist.

Section 40 is an absolute exemption which means that the legislators have identified that harm would be caused by release and there is no requirement to consider the public interest test.

Sections 24(2), 30(3), and 31(3) are qualified and require us to carry out a harm and public interest balancing test before they can be relied upon.

Overall harm for the NCND

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 Leicestershire Police has referred police officers to the Prevent Database.

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 referral of individuals to the Prevent database.

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 as 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 Leicestershire Police concerns about police officers being involved in Islamic radicalisation or right-wing radicalisation and have made a referral to the Prevent programme, and which forces haven't, 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 members of the public into the Police Service thereby undermining National Security and leaving the United Kingdom at risk of more terrorist attack.

Public Interest Considerations

Factors favouring confirmation or denial for S24

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 Leicestershire Police to account in relation to how they gather intelligence when referring individuals to the Prevent database.

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

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, as in this case which forces have referred serving police officers on to the Prevent database. The more information disclosed over time will provide a more detailed account of the tactical referral of individuals suspected or being vulnerable to radicalisation.

Factors favouring confirmation or denial for S30

Confirming or denying whether information exists relevant to this request would lead to a better informed general public by identifying that Leicestershire Police robustly investigate any offences that may occur which identifies that an individual is susceptible to radicalisation, including police officers. 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 confirmation or denial for S30

Modern-day policing is intelligence led. To confirm or not whether Leicestershire Police has referred a serving police officer to be entered onto the Prevent database could hinder the prevention and detection of crime.

Factors favouring confirmation or denial for S31

The number of [Prevent referrals](#) is published (the latest publication being for the time period April 2019 to March 2020), this is at a national level only, and this in itself favours confirming information is held.

Factors against confirmation or denial for S31

Leicestershire 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 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 40 (5) – Personal Information

(5)The duty to confirm or deny—

(b)does not arise in relation toinformation if or to the extent that either—

(i)the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles

In line with the Information Commissioners Guidance, any request of this legislation is considered to be applicant blind and we cannot therefore consider the motives behind the request. We have to treat such a disclosure as if it is being released to the world and assess each request accordingly.

In this case, you are asking for confirmation of whether named individuals have had involvement with the police. As a result I have to consider that you are requesting information that regardless of whether it exists, is considered to be personal data.

This is due to the fact that to even confirm or deny that information is held would be to release the personal data of individuals which would therefore breach the Data Protection Principles.

It must also be remembered that any information that the Police Service holds is given to us in the confidence that it would not be released into the public domain without a clear legal basis for doing so. As you can appreciate, public confidence would be reduced if members of the public were able to use the Freedom of Information Act to request data about any individuals who they believe have come into contact with the police. To provide the information on one occasion expresses a willingness to provide information on all occasions and it is for this reason that I can neither confirm nor deny that we hold any information of relevance to your request.

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 is made out.

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

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.

Yours sincerely

Freedom of Information Officer
Leicestershire Police

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