

Our Ref: 005390/17



Freedom of Information Section
Nottinghamshire Police HQ
Sherwood Lodge, Arnold
Nottingham NG5 8PP

Tel: 101
Ext 800 2507
Fax: 0115 967 2896

31 July 2017

Dear

Request under the Freedom of Information Act 2000 (FOIA)

I write in connection with your request for information, which was received by Nottinghamshire Police on 10/07/2017.

Following receipt of your request searches were conducted within Nottinghamshire Police to locate the information you require.

RESPONSE

I would like to submit the following Freedom of Information request. I would like details on the number of individuals in the following groups who have been identified as "non-violent extremists", "potential extremists", or simply dangerous because of their views/beliefs:

Members of the clergy and priesthood.

Members of the Labour Party including elected representatives such as Members of Parliament, MEPs and councillors.

Members of the Conservative Party including elected representatives such as Members of Parliament, MEPs and councillors.

Members of the UK Independence Party including elected representatives such as Members of Parliament, MEPs and councillors.

Members of the Green Party including elected representatives such as Members of Parliament, MEPs and councillors.

Members of the Scottish National Party including elected representatives such as Members of Parliament, MEPs and councillors.

Members of trade unions.

Journalists.

Environmental campaigners including but not limited to those who have gone on anti-fracking demonstrations.

For the avoidance of doubt I have condensed the text of these requests into one handy email, but each category should be considered a separate request. Should there be a problem with this approach I am happy to submit these individually.

Nottinghamshire Police can neither confirm nor deny that it holds the information relevant to your request as the duty in Section 1(i)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

Section 24(2) National Security
Section 31(3) Law Enforcement
Section 40(5) Personal Information

Section 40 is an absolute class-based exemption and therefore there is no requirement to conduct a harm or public interest test

Sections 24, and 31 are prejudice based qualified exemptions and there is a requirement to articulate the harm that would be caused in confirming or not that the information is held as well as carrying out a public interest test.

Harm

The confirmation or denial that information is held would provide sensitive operational material about a limited number of individuals within society, who may have a local or national presence. To confirm or deny that information is held would not only likely identify individuals based on the organisation or employment they are associated with but undermine any potential on-going investigations that may be taking place now or in the future. The granular level in which this information would be provided would identify individuals and to confirm or deny that Nottinghamshire Police holds information would undermine their Data Protection rights. Should Nottinghamshire Police confirm that it holds no information for one of the questions and later attempts to NCND the response, it would identify that the data has since changed — identifying that someone within a particular sector in the local area is of interest to Nottinghamshire Police. This would serve to undermine that operation. Furthermore, should Nottinghamshire Police hold a positive figure for any parts of the request this would lead to individuals to be accused either correctly or incorrectly which could cause further local disorder.

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 have published the threat level based upon current intelligence and that threat level has remained at the second highest level 'severe', except for two short periods during August 2006 and June and July 2007, when it was raised to the highest threat 'critical' and July 2009, when it was reduced to 'substantial'. The current threat level to the UK is 'severe'.

The disclosure of the requested information would undermine individual forces policing capabilities which consequently would be detrimental to their ability to deal with the on-going terrorist threat we face. By providing the number of suspected extremists identified by an individual force would allow comparison between forces 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 activity and identify vulnerability around the country.

Section 24 factors favouring confirming or denying that information is held

To confirm or deny that information is held would provide local level details on Nottinghamshire Police's response to countering extremism in all forms. This would provide a confidence that Nottinghamshire Police is taking steps to mitigate any national security risk. If no information was held it would also reassure local communities that prominent local figures are not flagged as a risk to national security.

Section 24 factors against confirming or denying that information is held

To confirm or deny that information is held would undermine the national security by providing granular detail about police monitoring of any individual who may be deemed to have extremist views. A mosaic picture would be realised nationally as to where, if information is held, concerns about extremism are most prevalent. To confirm or deny that information is held would lead to public viewpoints which may be incorrect and could destabilise national security.

Section 31(3) factors favouring confirming or denying that information is held

To confirm or deny that information is held would provide a greater understanding as to how prominent extremism is locally. If information is held individuals can take steps to protect and safeguard themselves and their family from being susceptible to being induced into extremist views. Similarly if information is not held, the public will be reassured that extremism is being appropriately managed. The confirmation or denial that information is held would help the public understand where resources may be allocated which ties in with how Nottinghamshire Police spends public money.

Section 31(3) factors against confirming or denying that information is held

To confirm or deny that information is held would provide local level intelligence on a small number of individuals. Some of the individuals who would be part of the groups listed in the question would also have a national function, meaning that to confirm or deny would actually provide details of the national intelligence picture. To confirm or deny that information is held could undermine any operations that may be taking place. Furthermore as the individuals associated with these groups will be limited, to confirm or deny that

Information is held would put them into the public eye and could cause reprisals against any person who may be suspected as being identified by the police as some form of extremist. This would mean that resources would need to be allocated to ensure the safety of individuals and further crimes could be committed.

Balance Test

Although there is a public interest in knowing about national security matters and how the police service reduce risk to the public, this would never override the need to protect individual personal rights and the ability to appropriately ensure public safety and national security. To confirm or deny that information is held would not only identify who this information pertains publically but would also undermine any policing operations that may be taking place to ensure that no offences are being committed. A confirmation of information held would identify a limited number of people and could lead to changes in their behaviour which would undermine the operation and national security. It could also lead to people being accused or mistaken and offences committed against them. If no

Information was held, this would reassure the public however, if this was to change in the future and an NCND applied at that stage, the public would be aware that the position has changed. This would undermine any operations in progress at that time. Therefore it is our view that the neither confirm nor deny stance is the correct response.

No inferences should be drawn that information is or is not held.

Therefore, in accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under section 17 (1) of the legislation.

Complaints Rights

Your attention is drawn to the enclosed review procedure, which details your right of complaint.

Copyright

Nottinghamshire Police in complying with their statutory duty under Sections 1 and 11 of the Freedom of Information Act 2000 (FOIA) 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 Force Solicitor, Nottinghamshire Police, Force Headquarters, Sherwood Lodge, Arnold, Nottinghamshire, NG5 8PP.

I would like to take this opportunity to thank you for your interest in Nottinghamshire Police.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer on telephone number 0115

9672507 or e-mail freedomofinformation@Nottinghamshire.pnn.police.uk
quoting the above reference number.

Yours sincerely

Disclosure Officer

Are you dissatisfied with your response?

Nottinghamshire Police has a duty to implement a complaints process in relation to Freedom of Information Act requests. If you are not content with our response, you may appeal, this process is known as an 'Internal Review'

Internal reviews are intended to be a fair and impartial means of reviewing the original request process.

You can appeal about your request if you:-

- Disagree with the Forces interpretation of your request;
- Believe the Force hold more information than has been disclosed to you;
- Disagree with the application of exemptions;

How do I appeal?

All appeals should be made in writing and sent to:-

Information Management
Nottinghamshire Police
Force Headquarters
Sherwood Lodge
Arnold
Notts
NG5 8PP

or alternatively freedomofinformation@nottinghamshire.pnn.police.uk

To deal with your appeal as quickly as possible please provide the unique identification number provided with your response and the reasons for your appeal.

Once we have received your request for appeal, your FOI response will be reviewed in full to identify any problems in the disclosure.

The review will be undertaken by someone different from, and preferably senior to, the original decision maker and this should be completed within 20 working days from receipt, in exceptional circumstances it may be extended by a further 20 working days.

What if I'm still not satisfied?

You can appeal to the Information Commissioner. You can contact the Information Commissioner Office at the following:-

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)

E-mail: casework@ico.org.uk