

Our Ref: 005328/15



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

**Tel:** 101  
**Ext** 800 2507  
**Fax:** 0115 967 2896

06 October 2015

**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 10/08/2015.

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

Please find below answers to your questions:-

***Are you able to give me information regarding terrorism plots in Nottinghamshire or is information held by the Met Police?***

***If so, here are my questions:***

***Could I please find out how many intended acts of terrorism have been intercepted by police over the past 5 years?***

***Where were each of these terrorism acts intended to take place?***

Nottinghamshire Police can neither confirm nor deny that it holds any information in respect of your request by virtue of the following exemptions:

**Section 24(2): National Security**

***24(2) The duty to confirm or deny does not arrive if, or to the extent that, exemption from section 1 (1) a) is required for the purpose of safeguarding national security.***

**Section 31(3): Law Enforcement**

***31. – (1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice –***

***a) the prevention or detection of crime***



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- b) *the apprehension or prosecution of offenders*
- c) *the administration of justice*
- d) *the assessment or collection of any tax or duty or of any imposition of a similar nature*
- e) *the operation of the immigration controls*
- f) *the maintenance of security and good order in prisons or in other institutions where persons are lawfully detained*
- g) *the exercise by any public authority of its functions for any of the purposes specified in subsection (2)*
- h) *any civil proceedings which are brought by or on behalf of a public authority and arise out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment, or*
- i) *any inquiry held under the Fatal Accidents and Sudden Deaths Inquiries (Scotland) Act 1976 to the extent that the inquiry arises out of an investigation conducted, for any of the purposes specified in subsection 2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment.*

(2) *The purposes referred to in subsection (1) g) to l) are –*

- a) *the purpose of ascertaining whether any person has failed to comply with the law*
- b) *the purpose of ascertaining whether any person is responsible for any conduct which is improper*
- c) *the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise*
- d) *the purpose of ascertaining a person's fitness or competence in relation to the management of bodies corporate or in relation to any profession or other activity which he is, or seeks to become, authorised to carry on*
- e) *the purpose of ascertaining the cause of an accident*

- f) *the purpose of protecting charities against misconduct or mismanagement (whether by trustees or other persons) in their administration*
- g) *the purpose of protecting the property of charities from loss or misapplication*
- h) *the purpose of recovering the property of charities*
- i) *the purpose of securing the health, safety and welfare of persons at work, and*
- j) *the purpose of protecting persons other than persons at work against risk to health or safety arising out of or in connection with the actions of persons at work.*

*(3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1 (1) a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1).*

Sections 24 and 31 are qualified, prejudice based exemptions and therefore I am required to articulate the harm which may be caused by confirming or denying that this information is held and to consider whether the public interest lies in confirming or denying that the information is held or in maintaining the exemptions.

### **Overall Harm with regard to Confirming or Denying that any information is held**

Modern-day policing is intelligence led and disclosures under the Act are disclosures to the world, not just to the individual making the request.

If this request or similar was submitted to other forces it would be possible to draw up a "map" of forces capabilities by comparing the approach of each force.

This would provide valuable intelligence which would be useful to criminals in identifying methods and capabilities of legitimate law enforcement techniques which may/may not be used by various forces.

To confirm or not that information is held pertinent to this request would undermine any on-going investigations.

Not only would police investigations be compromised but any enquiries or investigations carried out by other agencies may also be compromised. To compromise the investigative process and any evidential gathering undertaken to assist a criminal investigation would affect the public safety of the community at large.

At present the threat level from international terrorism faced by the United Kingdom from criminal and terrorist groups is assessed as severe:

<https://www.mi5.gov.uk/home/the-threats/terrorism/threat-levels.html>

In order to counter criminal and terrorist behaviour it is vital that the police and other agencies have the ability to work together, where necessary covertly, in order to obtain intelligence within current legislative frameworks, such as the Police and Criminal Evidence Act 1984 and the Regulation of Investigatory Powers Act 2000, to ensure the successful arrest and prosecution of offenders who commit or plan to commit acts of terrorism.

Another point to raise is that 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 which would include sharing detail of any evidence gathered. Such an action supports counter-terrorism measures in the fight to deprive terrorist networks of their ability to commit crime.

The prevention and detection of crime is the foundation upon which policing is built and the police have a clear responsibility to prevent crime, arrest those responsible for committing crime or those that plan to commit crime. However there is also a duty of care to the public at large and to confirm whether or not any information is held which could assist a criminal / terrorist or criminal/terrorist organisation has potential to undermine the operational integrity of anti-terror and anti-criminal operations and will adversely affect public safety.

### **Public Interest Considerations**

#### **Section 24(2) - National Security**

#### **Prejudice Test**

Nottinghamshire Police believes that to confirm or deny whether information exists is inevitably harmful as it provides criminals/terrorists with current intelligence on the capacity, tactical abilities of the Police force, especially relevant in the area of covert policing.

National security measures would be rendered less effective should the Police confirm or deny whether any information is held other than that already disclosed into the public domain. To highlight the potential risk of Nottinghamshire Police either confirming or denying whether additional information is held, the current threat level for terrorist action against UK interests on the mainland is recorded by Mi5 as being 'Severe'.

The police would not therefore look to aid potential criminals/terrorists by revealing its capability in this very sensitive area.

To confirm or deny whether information is held may compromise possible on-going or future operations and prosecutions that protect the security and infrastructure of the UK. It therefore remains the case that any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Likewise, confirming whether Nottinghamshire Police does not have a technical capability to hand provides intelligence that can be used by criminals to undermine the operational integrity of policing that will adversely affect public safety and have a negative impact on national security.

### **Section 24(2) factors against maintaining a neither confirm nor deny stance**

By confirming or denying whether any other information is held relevant to the request would enable the public to know what their public funds are spent on and to reassure them that Nottinghamshire police is constantly finding ways to combat crime and terrorism

### **Section 24(2) Factors favouring maintaining a neither confirm nor deny stance**

By confirming or denying whether any information is held relevant to the request would adversely affect national security because criminals would be able to know and counteract technology that Nottinghamshire police may or may not be using to deter the threat of criminal and terrorist activity

Security measures are put in place to protect the community that we serve. To confirm whether any information is held pertinent to this request would highlight to terrorists and individuals intent on carrying out criminal activity what information is shared with other forces and law enforcement agencies.

Irrespective of what information is or is not held, the public entrust the Police 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.

The cumulative effect of terrorists gathering information from various sources would be even more impactful when linked to other information gathered from various sources about terrorism. The more information disclosed over time will give a more detailed account of the tactical infrastructure of not only a force area but also the country as a whole. Any incident that results from such a disclosure would by default affect National Security.

### **Section 31 (3) - Law Enforcement**

#### **Prejudice Test**

To confirm or deny whether any information is held, the criminal fraternity including terrorists would be likely to use this information to try and circumvent police law enforcement capabilities and tactics.

Should the information not be held and we confirm this, this is in itself intelligence and criminals would be likely to use this intelligence to commit crime with impunity, and therefore certain types of criminal activity may therefore go unmonitored and undetected.

It is inevitably harmful to provide the criminal fraternity including terrorists with current intelligence on the capacity, tactical abilities and capabilities of the Police, especially in the area of covert policing. Law enforcement measures (whether information is held or not) would be rendered less effective should the Police confirm or deny whether any information is held.

To confirm or deny whether information is held may compromise potential on-going or future operations and or prosecutions, the consequence of which would hinder the prevention and/or detection of crime. It therefore remains the case that any information identifying the focus of policing activity could be used to the advantage of terrorist or criminal organisations. Likewise, confirming whether Nottinghamshire police does not have information provides intelligence that can be used by criminals to undermine the operational integrity of policing that would be likely to adversely affect public safety and have a negative impact on the ability of Nottinghamshire Police to protect the public and uphold the law.

There is no doubt that terrorists are able to use publicly disclosed intelligence to counter measures the police can (or cannot) use against them. Confirmation or denial of whether additional information is held could therefore lead to an increase in crime based on criminals understanding of our capabilities. Such an effect would in turn impact on police resources and detract officers and staff from its role in law enforcement.

## **Section 31 - Law Enforcement**

### **Factors favouring confirming or denying that information is held**

Confirmation that any information exists relevant to this request would lead to a better informed public into how the investigation process is carried out. This awareness may encourage individuals to provide intelligence in order to reduce terrorist atrocities and criminal offending.

By confirming or denying what technology, capabilities and methodology is available to Nottinghamshire Police would enable the public to have a better understanding of the type of tactics employed by the Police in carrying out their law enforcement role.

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 against confirming or denying that information is held**

Confirming or denying whether information is held, would compromise law enforcement tactics and subsequently hinder the prevention and detection of crime.

Confirmation or denial would allow the release of law enforcement information into the public domain, which would enable those with the time, capacity and inclination to try and map capabilities, strategies and tactics used by the Police.

Additionally Nottinghamshire Police resources and its ability to operate effectively and efficiently would directly be affected as this information can be manipulated by those with criminal intent. This would result in increased risks to the public and consequently require the use of more Police resources.

Confirmation or denial that information is held in this case would highlight any restrictions on the force's investigative processes.

Nottinghamshire Police takes their responsibility to obtain and gather firm evidence as part of their investigative process seriously in that it is only ever obtained as per current legislative frameworks to aid the delivery of effective law enforcement and the harm to the law enforcement capability outweighs the need to confirm nor deny.

## **Balancing Test**

The reduction and detection of crime is of paramount importance and the police will not divulge whether information is or is not held if to do so would compromise law enforcement.

The points above highlight the merits of confirming or denying whether any other requested information exists. Nottinghamshire Police is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, evidence is gathered which can be highly sensitive relating to high profile security strategies and actions.

Weakening the mechanisms used to monitor and investigate any type of criminal activity, and specifically terrorist activity would place the security of the country at an increased level of danger.

In addition, any disclosure by Nottinghamshire Police that places the security of the country at risk, no matter how generic, would undermine any trust or confidence individuals have in us, therefore, at this moment in time it is our opinion that for these issues the balance test favours neither confirming nor denying that any other information is held.

**No inference can be taken from this refusal that any information related to your request exists or does not exist.**

***How many people have been arrested on suspicion of terrorism crimes, how many have been charged and how many have been successfully prosecuted in the past 5 years?***

***Of those successfully prosecuted, what is their name, age, address, date and location of offence, date of conviction and sentence?***

This information is exempt from disclosure by virtue of the following:

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

**24.** – (1) *Information which does not fall within section 23 (1) is exempt information if exemption from section 1 (1) b) is required for the purpose of safeguarding national security.*

**Section 31(1): Law Enforcement**

**31.** – (1) *Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice –*

- a) the prevention or detection of crime*
- b) the apprehension or prosecution of offenders*
- c) the administration of justice*
- d) the assessment or collection of any tax or duty or of any imposition of a similar nature*
- e) the operation of the immigration controls*
- f) the maintenance of security and good order in prisons or in other institutions where persons are lawfully detained*
- g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2)*
- h) any civil proceedings which are brought by or on behalf of a public authority and arise out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment, or*
- i) any inquiry held under the Fatal Accidents and Sudden Deaths Inquiries (Scotland) Act 1976 to the extent that the inquiry rises out of an investigation conducted, for any of the purposes specified in subsection 2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment.*

## **Section 40(2): Personal Information**

*40(2) Any information to which a request for information relates is also exempt information if –*

- a) it constitutes personal data which do not fall within subsection (1), and*
- b) either the first or second condition below is satisfied*

*(3) The first condition is –*

- a) in a case where the information falls within any of the paragraphs a) to d) of the definition of “data” in section 1 (1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene –*
  - i) any of the data protection principles, or*
  - ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and*
- b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A (1) of the Data Protection Act 1998 (which relate to manual data held by the public authorities) were disregarded.*

*(4) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7 (1) c) of that Act (data subject’s right of access to personal data).*

Sections 24 and 31 are qualified, prejudice based exemptions and therefore I am required to articulate the harm which may be caused by disclosure and to consider whether the public interest lies in disclosure or in maintaining the exemptions.

Section 40 is an absolute exemption and I am not required to consider the public interest in disclosure.

### **Overall Harm for Section 24 and Section 31**

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 proving the number of arrests specifically conducted 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. In addition the disclosure of the number of terrorist threats received and the number of successful terrorist attacks in a force area, could suggest the level of resourcing a force has, as it may be deduced that a high number of attacks/threats equals a high level of resources. 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.

#### **Factors favouring disclosure for S24**

The public are entitled to know how public funds are spent and by disclosing this information the public would be able to see where money is being spent and know that forces are doing as much as they can to combat terrorism.

#### **Factors favouring non-disclosure for S24**

The disclosure of this information would render security measures less effective which would compromise on-going or future operations to protect the security and infrastructure of the UK. The risk of harm to the public would be elevated if areas of the UK which appear vulnerable were disclosed which would also provide the opportunity for terrorist planning. On-going or future operations to protect the security and infrastructure of the UK would be compromised as terrorists could map the level of counter-terrorist activity across the country, providing them with the knowledge of individual force capability.

#### **Factors favouring disclosure for S31**

The disclosure of the information would make members of the public more aware of the threat of terrorism and allow them to take steps to protect themselves and families. Improved public awareness may lead to more intelligence being submitted to police about possible acts of terrorism as members of the public will be more observant to suspicious activity which in turn may result in a reduction of crime. The Home Office regularly publish national statistical data on terrorism arrests.

#### **Factors favouring non-disclosure of S31**

The disclosure of this information could compromise law enforcement tactics which would hinder the Police force's ability to prevent and detect terrorist crimes. The threat of terrorism will increase as more crimes are committed as a result of terrorists gaining knowledge about the capabilities of individual forces and therefore the public will be placed at a greater risk. A fear of crime will be realised as terrorists identify vulnerable areas and target and exploit

these areas resulting in the public being in fear of more terrorist activity occurring. In addition confirmation that there have been any successful terrorist attacks in a given area may lead to the residents taking matters into their own hands with regard to people they suspect of being involved in terrorism as they may feel the threat to be more imminent. There would be an impact on police resources from the disclosure of information relating to terrorist attacks and arrests, as 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. The police will not divulge any information that would place the safety of an individual at risk or undermine national security. Whilst there is a public interest in the transparency of policing, and in this case providing assurance that the police service is appropriately and effectively engaging with the threat posed by terrorist activity, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in the highly sensitive subject of terrorism.

As much as there is a public interest in knowing that policing activity is appropriate and balanced in matters of national security this will be overridden in exceptional circumstances. Police force's capabilities of combating terrorism are sensitive issues of intelligence value to the terrorist and therefore it is our opinion that for these issues the balancing test for disclosing the requested information is not made out.

This letter constitutes a refusal notice under Section 17 (1) of the Freedom of Information Act 2000 with Sections 24(1), 31(1) and 40(2) of the act being applied.

### **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](mailto: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](mailto: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](mailto:casework@ico.org.uk)