

NOT PROTECTIVELY MARKED

10 March 2015

Your Ref:

Our Ref: IM-FOI-2015-0255



Sir Stephen House QPM
Chief Constable

FOI Central Processing Unit
Clyde Gateway
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Dalmarnock
Glasgow
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foi@scotland.pnn.police.uk

Dear

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

SUBJECT: Emergency Plan

I refer to your email dated 2 February 2015 regarding the above which has been handled in accordance with the Freedom of Information (Scotland) Act 2002 (FOISA).

I write to you under the Freedom of Information Scotland Act 2002 to request a copy of the Emergency Contingency Plan for the Ports of Cairnryan by email please.

Furthermore, you kindly provided the following clarification on 18 February 2015:

Thank you for getting back to me on this subject. I would look to see any Emergency Plans that the police have for either of the ports and I know that this could possibly cover a multitude of things but I live in between both ports and remember when the Harbour Empowerment Order was granted by the Scottish government one of the things put forward from the local authority was an up to date Emergency Plan to be made and I think this was to be done before the port became operational. I am not sure what information would be included in this but I would imagine both ports would require this, I have an interest

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because I live across from the port. It was mentioned on the Wigtown Regulatory Meeting on 4th March 2009. I hope this is of assistance to you but feel free to write back if you require anything else.

In response to your request for information concerning Harbour Empowerment Orders, this has now been considered and I can advise you that Police Scotland does not hold any of the information requested by you. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, the information requested by you in relation to Harbour Empowerment Orders can be reasonably obtained via the following link:

<http://www.transportscotland.gov.uk/water/harbour-orders>

To advise, Department for Transport are required by the Harbours Act 1964 to publish the decisions made by Scottish Ministers on applications for Harbour Orders. Copies of the relevant letters sent to applicants are published below.

http://www.transportscotland.gov.uk/system/files/uploaded_content/document/s/tsc_basic_pages/Water/loch-ryan-decision-letter.pdf

http://www.transportscotland.gov.uk/system/files/uploaded_content/document/s/tsc_basic_pages/Water/port-of-cairnryan-harbour-revision-order-2012-decision-letter.pdf

In continuance, I can advise regarding “**...local authority was an up to date Emergency Plan...**”, and with specific reference to the “**emergency plan**” element of your request, Police Scotland does not hold any of the information requested by you in relation to this documentation. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held. I would advise that given this data may be held by the relevant Local Authority.

Furthermore, concerning “**...it was mentioned on the Wigtown Regulatory Meeting on 4th March 2009...**” in terms of Section 17 of the Act, this letter represents a formal notice that information is not held. I can advise (and to assist) the meeting minutes can be accessed via the following link:

<http://egenda.dumgal.gov.uk/aksdumgal/users/public/admin/kab12.pl?operation=SUBMIT&meet=63&cmte=ZEE&grpId=public&arc=12>

Consequently, any subsequent information on this matter may be available from:

Head of Corporate Support
Council Headquarters
English Street
Dumfries
DG1 2DD

“...I would look to see any Emergency Plans that the police have for either of the ports and I know that this could possibly cover a multitude of things...”

In respect of this element of your request, it has now been considered and a decision was made not to grant your request. The information requested by you is considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act). Section 16 of the Act requires Police Scotland to provide you with a notice which: (a) states that it holds the information, (b) states that it is claiming an exemption, (c) specifies the exemption in question and (d) states, if that would not be otherwise apparent, why the exemption applies. Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided.

The documentation to which I refer (in general terms) concerns explosive devices and counterterrorism. For obvious reasons we would not want to release same: consequently, the following exemptions are engaged:

Section 31 (1) National Security and Defence

Section 35 (1) (a)(b) Law Enforcement

Section 39(1) Health, Safety and the Environment

The information you requested is being withheld in reliance on the exemptions in sections 35(1)(a)(b); 31(1) and 39(1) of FOISA. It is necessary to withhold the information in order to safeguard National Security. In the Services view, the national security of the UK includes the protection of UK citizens and their assets (wherever they may be) against acts of terrorism and violence. Moreover, national security also requires the protection of the UK's economic well-being, to which the maritime industries contribute substantially. Release of the information would also be likely to prejudice the prevention and detection of crime; and as a consequence, disclosure under the Act would, or would be likely to, endanger the physical or mental health or the safety of an individual.

In applying these exemptions, we have had to balance the public interest in withholding the information against the public interest in disclosure. The key public interest factors for and against disclosure are:

In the interests of national security, disclosure could contribute to more informed public debate about the standards pertaining to maritime security and promote a spirit of openness and transparency. Further, making this document publicly available may also help re-assure the travelling public that the relevant staff are trained appropriately and are equipped to deal with hostile acts in and around ports.

Notwithstanding, there is a clear and strong public interest in safeguarding the security of passengers and goods in and around the named Ports.

Recent events have shown that terrorists continue to seek to avoid or subvert transport security measures. If the content of the documentation were placed in the public domain, it would seriously undermine maritime security. Persons with malicious intent would be likely to use the information in order to compromise national security. To reveal this information would potentially undermine the effectiveness of the protective security at UK seaports; given that such tactics may be in use at other ports. Were such details to be made public, those with harmful intent would gain valuable insights into the extent and robustness of the security management.

To make the information more widely available would potentially undermine the effectiveness of the security measures in place as it would be much easier for the information to fall into the hands of a person with hostile intent. This danger is present even where only a limited amount of information is disclosed as incomplete or partial information can be used to supplement information already in the public domain and can be used to build a clearer picture of the ports in addition to that of all UK ports security measures.

Law Enforcement

Disclosure could contribute to more informed public debate about the standards pertaining to crime prevention and detection at sea ports, and promote a spirit of openness and transparency.

Conversely, placing the content of Documentation in the public domain would be likely to prejudice the prevention or detection of crime, as persons with criminal intent would be likely to use the information in order to assist them in carrying out criminal activities.

To make the information more widely available would potentially undermine the effectiveness of the security and crime prevention and detection measures in place as it would be much easier for the information to fall into the hands of a person with hostile intent.

Health and Safety

Unusually, I can find no benefit to the wider public in the release of this documentation. The implications would certainly allow those to build a more clear picture of the security at this facility in addition to that of a similar nature.

The health and safety of passengers and those in the vicinity may be endangered if this data were to be released.

I trust that the information available is of assistance and should you require any further assistance concerning this matter please contact me on 01786 895 863 quoting the reference number given.

If you are not satisfied with the way in which your request has been dealt with, you are entitled in the first instance and within 40 working days of receiving this letter to request a review of the decision made by the Service. Should you wish to do so, contact details are; Police Scotland, Clyde

Gateway, 2 French Street, Dalmarnock, Glasgow. G40 4EH or email foi@scotland.pnn.police.uk.

Once informed of the Review decision, if you are still not satisfied, then you are entitled to apply to the Scottish Information Commissioner within six months for a decision. Contact details are; 'Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS', telephone 01334 464610. Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

Yours sincerely

Andrew McCulloch
Lead Officer
Information Management
Freedom of Information