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Mr Roland Gilmore  
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6 March 2018

Dear Mr Gilmore

**Freedom of Information request reference: 47458**

Thank you for your e-mail of 23 February in which you ask:

*There are allegations of harassment and intimidation by pro-life activists upon clients of abortion clinics. Please confirm what evidence the Home Office possesses of this illegal activity.*

Your request has been handled as a request for information under the Freedom of Information Act 2000 (FOIA).

I can confirm that the Home Office holds the information that you have requested. This information has been provided to the Home Office for the current review into protests in the vicinity of abortion clinics.

After careful consideration, we have decided that the information is exempt from disclosure under section 35(1)(a) of the FOIA. This exemption provides for information to be withheld where it relates to the formulation and development of government policy and the public interest falls in favour of maintaining the exemption.

Arguments for and against disclosure in terms of the public interest, with the reasons for our conclusion, are set out in the attached Annex A.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to [foirequests@homeoffice.gsi.gov.uk](mailto:foirequests@homeoffice.gsi.gov.uk), quoting reference 47458. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the Department's handling of your information request would be reassessed by staff who were not involved in providing you with this response. If you #

were to remain dissatisfied after an internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the FOIA.

Yours sincerely

**Police Powers Unit**

## **Freedom of Information request from Roland Gilmore (reference 47458)**

### **Information requested**

*There are allegations of harassment and intimidation by pro-life activists upon clients of abortion clinics. Please confirm what evidence the Home Office possesses of this illegal activity.*

### **Response**

This information is exempt from disclosure under section 35(1) (a) of the FOI Act. Section 35(1) (a) provides that information held by a government department is exempt from disclosure if it relates to the formulation or development of government policy

### **Public interest test in relation to section 35**

Some of the exemptions in the FOIA, referred to as 'qualified' exemptions, are subject to a public interest test (PIT). This test is used to balance the public interest in disclosure against the public interest in maintaining the exemption. We must carry out a PIT where we are considering using any of the qualified exemptions in response to a request for information.

The 'public interest' is not necessarily the same as what interests the public. In carrying out a PIT we consider the greater good or benefit to the community as a whole if the information is released or not. Transparency and the 'right to know' must be balanced against the need to enable effective government and to serve the best interests of the public.

The FOIA is 'applicant blind'. This means that we cannot, and do not, ask about the motives of anyone who asks for information. In providing a response to one person, we are expressing a willingness to provide the same response to anyone.

### **Considerations in favour of disclosing the information**

The information that meets this request is contained within responses from a call for evidence for the ongoing Abortion Clinic Protest Review. Disclosure of these responses would promote transparency and contribute to the Government's wider transparency agenda. This release of information could have the effect of encouraging greater public involvement in the development of policy, thus increasing public participation in the political process and the level of public debate. An improved quality of debate should impact positively on policy outcomes, as proposals would have been subject to a greater degree of public scrutiny and discussion.

Disclosure would also increase trust and let the public scrutinise the expected Government's response and would enable the public and interested parties to satisfy themselves that decisions being made are based on the best available information.

### **Considerations in favour maintaining the exemption**

There are a number of significant public interest considerations which favour the non-disclosure of the information covered by the exemption.

The information that meets this request is contained within responses from a call for evidence for the ongoing Abortion Clinic Protest Review. These responses are currently being analysed by Home Office officials who need time fully to consider the contents of the responses and to utilise them to formulate and develop Government policy.

Once officials have had time to consider the responses, they will need to draw conclusions and provide advice to Home Office Ministers on possible options going forward, highlighting any risks and issues. It would not be in the public interest to disclose the consultation responses prematurely as this could mislead the public about the direction of the Government policy and might close off better options.

There is also a strong public interest in ensuring that Ministers and officials are given room to develop policy, without fear of proposals being prematurely disclosed into the public domain. Unnecessary public concern could be caused by premature disclosure of an unformulated policy which is still undergoing consideration, which may lead to poor decision making and delays in policy formulation.

## **Conclusion**

We conclude that the balance of the public interest lies in maintaining the exemption and withholding the information.

**Date: 6 March 2018**