



Home Office

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Eveline Lubbers
request-546601-2212e4b9@whatdotheyknow.com

6 February 2019

Dear Ms Lubbers

Freedom of Information Act 2000 request (Our Reference 52028)

Thank you for your e-mail of 22 January 2019, in which you asked for the information held in the files on the “Black Power Movement” which are registered in the National Archives as records HO 376/154 and HO 376/155.

Your request, which is set out in full in Annex A, has been handled as a request for information under the Freedom of Information Act 2000 (FOIA).

The files HO 376/154 *“Black Power”: intelligence reports* and HO 376/155 *“Black Power”: intelligence reports 1968-1977* are showing as currently retained by the Home Office on The National Archives (TNA) catalogue.

I can confirm that the Home Office holds the information which you have requested. I am able to disclose a very small amount of material which accompanies this letter.

We have decided that the remaining information is exempt from disclosure under the following sections of the Act:

- Section 40(2) (personal information). This exemption provides that information can be withheld if disclosure would contravene any of the data protection principles.
- The Home Office has obligations under data protection legislation and in law generally to protect personal data. We have concluded that the information you have requested is exempt from disclosure under section 40(2) of the FOIA, because of the condition at section 40(3A)(a). This exempts personal data if disclosure would contravene any of the data protection principles in Article 5(1) of the General Data Protection Regulation and section 34(1) of the Data Protection Act 2018. Section 40 is an absolute exemption and no public interest test (PIT) is required.
- Sections 23 and 24, in the alternative. In the circumstances of this case it is not appropriate to provide any information that would undermine national security or reveal the extent of any involvement of the security bodies listed in section 23(3) of the FOIA. We are therefore applying sections 23(1) (information supplied by or

relating to security bodies) and section 24(1) (national security) in the alternative. This means that only one of the two exemptions is engaged, but it is not appropriate to say which one. Section 24(1) is a qualified exemption, which means that the balance of the public interest in applying it must be considered. This response does not confirm which of the two exemptions is engaged and, to the extent to which section 24(1) could be engaged. We are not obliged to give any further explanation by virtue of section 17(4), because to do so would involve the disclosure of information which would itself be exempt.

- The balance of public interest in releasing or withholding this information, in terms of section 24(1), has been considered. Taking into account all the circumstances of this case we have determined that any disclosure that would prejudice national security would be contrary to the public interest.
- Section 23(1) is an absolute exemption and no public interest test is required.
- Section 31(1)(a). This section provides that information can be withheld if disclosure would, or be likely to, prejudice the prevention or detection of crime, and the balance of the public interest lies in favour of withholding the information.
- Section 27(1). Information is exempt information if its disclosure would, or would be likely to, prejudice relations between the United Kingdom and any other State, the United Kingdom and any international organisation or international court, the interests of the United Kingdom abroad, or the promotion or protection by the United Kingdom of its interests abroad.

Arguments for and against disclosure in terms of the public interest relating to section 31 and section 27, with the reasons for our conclusion, are set out in Annex B.

You may be interested to know that as a result of our deliberations, we believe that some of the material from HO 376/154 – namely Joint Intelligence Committee (JIC) report(s), can be accessed from TNA catalogue, and can be found via the following link:

<http://discovery.nationalarchives.gov.uk/details/r/C11020870>

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, quoting reference 52028. 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

J Conquest
Information Rights Adviser

Annex A: Request in full

Dear Home Office,

This is a request for the following files on the Black Power Movement that are registered in the National Archive as records HO 376/154 & 155:

- "Black Power" in the United Kingdom incl Appendix A: "Black Power' Organisations in the United Kingdom," Appendix B and further appendixes.
- "Black Power": intelligence reports

These records are not held by the National Archives (email 12 Nov 2018), nor do they seem to appear on the Home Office FoI releases page.

However, they have been released to at least three different people in the past few years:

To Anne-Marie Angelo, and quoted in her PhD dissertation "Any Name That Has Power': The Black Panthers of Israel, the United Kingdom, and the United States, 1948-1977," Duke University, 2013 twice: on page 166 in note 45:

Special Branch, "Black Power' in the United Kingdom," August 11, 1970, 3, in "Black Power intelligence reports, 1968-77," Home Office (hereafter HO) 376/155, TNA: PRO. (File released to author through Freedom of Information Act UK).

and on p.219, note 3:

The only party who identified the leader of the Panthers' second phase as someone other than Althea Jones was the Special Branch, as a recently declassified intelligence file reveals. The Special Branch claimed that Eddie Lecointe led the Brixton Chapter, which it characterized as, "the most active group in this organization." Special Branch Report, "Black Power' in the United Kingdom," August 11, 1970, Appendix A: "Black Power' Organisations in the United Kingdom," 2, in HO 376/154-155, "Black Power Intelligence Reports," TNA: PRO. (File released to author through Freedom of Information Act UK).

* Released to and quoted Winston Trew, the author of Black for a Cause, and quoted in his blog post The British State, Special Branch and Black Power.
http://www.blackforacause.co.uk/page_2398674.html

* also quoted in this blog post on OCTOBER 25, 2017: Independent radical black politics: looking at the BUFP & BLF <https://woodsmokeblog.wordpress.com/2017/10/25/42-independent-radical-black-politics-looking-at-the-bufp-blf/>

Can you please release the complete files including the annexes to me, and also deposit them at the National Archives for the public to review.

Yours faithfully,

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Annex B: Explanation of exemptions and public interest test.

Section (31)(1)(a) – law enforcement and section 27(1) – international relations.

Some of the exemptions in the FOI Act, 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 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 FOI Act 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, including those who might represent a threat to the UK.

Public interest considerations in favour of disclosure

In this context there is a public interest in knowing the nature and extent of law enforcement activity in relation to “Black Power” during the late 1960s through to the late 1970’s.

Disclosure of information contained within files HO 376/154 and HO 376/155 would provide evidence of how the police - including Special Branch - safeguard the democratic process from those who may wish to undermine it. In turn such information would open the police services up to public scrutiny and provide an insight into police intelligence. It could also help to engender trust between the public and law enforcement agencies, and also provide reassurance that law enforcement agencies are capable of monitoring individuals and maintaining communal safety.

Disclosure of the information in the files referenced above would also lead to a deeper public understanding and awareness in matters relating to international relations. There is a public interest in knowing the nature and extent of the UK’s relationships with foreign states in relation to this issue and those associated individuals.

Public interest considerations in favour of maintaining the exemptions

The Home Office considers that disclosure would adversely affect the ability of the police and other law enforcement agencies to safeguard the public and maintain law and order.

The material in files HO 376/154 and 376/155 contains considerable detail about the organisations and individuals that were (and may still be) of interest to the police services – including Special Branch. It is implicit in the duties and responsibilities of the police force that the covert nature of its work is vital to enable it to effectively monitor and counter those who seek to subvert the democratic process, or who seek to (or have the potential to), threaten public order.

If the detail of focus, methodology and targeting contained in this record changes little over time and could, if disclosed, compromise operational integrity and reveal police tactics. This would be prejudicial to the prevention and detection of crime.

The Home Office recognises that disclosure could adversely affect the UK's relationship and reputation with other countries.

Delivery of our domestic and foreign policy objectives, relies to a large extent on the free flow of confidential information between the UK and other countries. Full and frank discussions take place; views and information are exchanged. There clearly would be a prejudice to international relations if the information you have requested is disclosed: countries may be less willing to assist the UK in the future and/or less likely to share such documents or information with us in the future, impeding our ability to develop and/or carry out public policy. There is also the added potential that a reluctance to disseminate information could put the safety and security of UK citizens at risk which would also not be in the public interest.

Conclusion

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