

Our Ref: IM-FOI-2019-1727
Date: 21 August 2019



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

1 - Are you currently a part of the Counter Terrorism Specialist Firearms Officer network.

In terms of Section 18 of the Freedom of Information (Scotland) Act 2002 (the Act) Police Scotland can neither confirm nor deny that it holds the requested information. However, if the information was held by the Service, it would be considered exempt in terms of one or more of the exemptions detailed in Section 18 of the Act, which are listed below:

- **Section 31 – National security and defence**
- **Section 35 – Law enforcement**
- **Section 39 – Health, safety and the environment**

Section 18 of the Act also provides that there is no requirement on a public authority, when issuing a Refusal Notice in terms of Section 18, to state why the public interest in maintaining the exemption outweighs that in disclosure of the information; nor is there any requirement to state why the exemption applies in so far as that statement would disclose information which would itself be exempt information. **This should not, however, be taken as conclusive evidence that the information you have requested exists or does not exist.**

By way of explanation, disclosure of the requested information would give an indication of the operational capabilities of Police Scotland's Armed Policing Unit.

This information would provide individuals intent on wrong doing with a tactical advantage when planning or perpetrating crimes and allow them to prepare for such deployment. Furthermore, this would also be likely to endanger not only the officers concerned but also members of the public who could be injured as a result of such action.

Further, the information may assist terrorist organisations to identify, with some accuracy, what options, in terms of Armed Policing, Police Scotland have available to respond to incidents, which would provide them with a tactical advantage when planning or perpetrating their terrorist plans and activities and cause the maximum impact of destruction and disruption.

Moreover, when such a request is replicated to all Police Forces within the United Kingdom it would allow comparisons to be made across the United Kingdom and enable terrorists to build a picture of the operational capabilities of each force area in the UK.

The security of the United Kingdom is of paramount importance and Police Scotland will not disclose further details of such information if it would impact on National Security, law enforcement and the health and safety of the community.

2 - Are you currently a part of the PaDP (Parliamentary and Diplomatic Protection) network

Police Scotland are not part of the "Parliamentary and Diplomatic Protection network".

3 - If you are not part of the PaDP (Parliamentary and Diplomatic Protection) network what type of Armed police or unarmed police, guard parliament building/embassies and high-profile ministers, visiting heads of state, heads of government or foreign ministers.

Your request for information has been considered and in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. 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.

The exemptions that I consider to be applicable to the information requested by you are as follows:

35 (1) (a) & (b) – Law Enforcement

The requested information, if disclosed, could be used to try and work out what type of resources are allocated within specialist areas of protection. Those with criminal intent would then be in a position to more accurately estimate the resources allocated to protect such individuals. Disclosure could have a negative effect on national security should the release of information be used and manipulated by criminal fraternities to try and attack politicians, public figures and other protected establishments and individuals.

This is a non-absolute exemption and requires the application of the public interest test.

39 (1) – Health, safety and the environment

The disclosure of the information requested may have the potential to increase the number of attacks on public figures, operational police officers and members of the public and the potential to present a risk to an individual's personal safety.

This is a non-absolute exemption and requires the application of the public interest test.

Section 31 (1) – National Security and Defence

If the information is disclosed it may assist terrorist organisations to identify, with some accuracy, the likelihood of the deployment of Officers for the commission of crime and take steps to prepare for such deployment which would provide them with a tactical advantage when planning or perpetrating their terrorist plans and activities and cause the maximum impact of destruction and disruption.

The security of the United Kingdom is of paramount importance and Police Scotland will not disclose further details of such information if it would impact on National Security, law enforcement and the health and safety of the community.

This is a non-absolute exemption and requires the application of the public interest test.

Public Interest Test

As you will be aware, the exemptions listed above are non-absolute and require the application of the Public Interest Test. I would suggest that public accountability would favour disclosure, given that the information concerns the efficient and effective use of resources by the Service. Likewise, disclosure of the information would also inform the public debate on the issue of policing and contribute to the accuracy of that debate.

Furthermore, the applicability of the exemptions listed above, the need to ensure the effective conduct of the service in relation to prevention and detection of crime and, the public safety considerations involved in the delivery of operational policing clearly favour non-disclosure of the information requested.

It is important to note that the UK does face a serious and sustained threat from violent extremists and this threat is greater in scale and ambition than any terrorist threats in the past. The police service has a duty to promote the safety of all individuals, whether protected or not, and will not reveal any information that might jeopardise this goal. To provide details of resources allocated to protecting them is likely to place individuals at serious and increased risk.

On balance I would contend that the public interest in disclosing the information is outweighed by that in maintaining the exemptions listed, as, it is doubtful if it can ever be in the public interest to disclose information which would jeopardise the delivery of policing and the safety of individuals and prejudice the prevention or detection of crime.

4 - Are you currently part of the RaSP (Royal and Specialist Protection) network

Police Scotland are not part of the "Royal and Specialist Protection" network.

5 - If you are not part of the RaSP (Royal and Specialist Protection) network the who provides close protection to members of the government officials etc.

Please refer to the response in question 1.

Should you require any further assistance please contact Information Management - GLASGOW on 01786 895864 quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions. Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.pnn.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision.

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You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.

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