



Home Office

Corporate Services
Directorate
2 Marsham Street
London SW1P 4DF

020 7035 4848
(switchboard)

www.homeoffice.gov.uk

Dr TJ McIntyre

By e-mail to:

request-259580-25d0a83d@whatdotheyknow.com

10 July 2015

Dear Dr McIntyre

Freedom of Information request (our ref: 34839): internal review

Thank you for your e-mail of 27 April 2015, in which you asked for an internal review of our response to your Freedom of Information (Fol) request about the role of the Extremism Analysis Unit.

I have now completed the review. I have examined all the relevant papers, and have consulted the policy unit which provided the original response. I have considered whether the correct procedures were followed. I confirm that I was not involved in the initial handling of your request.

My findings are set out in the attached report. My conclusion is that the original response was correct.

Yours sincerely

B Dorrington
Information Rights Team

Internal review of response to request under the Freedom of Information (Fol) Act 2000 by Dr TJ McIntyre (reference 34839)

Responding Unit: Office for Security and Counter-Terrorism (OSCT)

Chronology

Original Fol request: 23 March 2015

OSCT's response: 22 April 2015

Request for internal review: 27 April 2015

Subject of request

1. The request asked for information about the role of the Extremism Analysis Unit. For the full text of the request see **Annex A**.

The response by OSCT

2. The response confirmed that the information was held, but that the information relating to question 1 was exempt from disclosure, by virtue of the exemption at section 35(1)(a) of the Freedom of Information Act, pertaining to the formulation of government policy. It also neither confirmed nor denied whether any further information within the scope of Dr McIntyre's request was held, by reliance on sections 23(5) (information supplied by or relating to bodies dealing with security matters).
3. Question 2 was interpreted by HO as seeking information on how the EAU will be tasked, and how it will identify extremist individuals and organisations, not as specifically asking for recorded information. Therefore, in an attempt to be helpful, OSCT provided an answer in the form of an explanation. However, the requester has confirmed a wish for recorded information in relation to question 2. Having double checked our records I can confirm that OSCT did not hold any recorded information that would directly answer question 2. As stated in the response, this is a very new area and the policy and procedures are still developing.
4. Question 3 was also interpreted as not asking specifically for recorded information and an answer was provided to the question posed. For the full text of the response see **Annex B**.

The request for an internal review

5. The internal review request stated that the Home Secretary's speech on 23 March 2015 makes it clear that the Extremism Analysis Unit "is already up and running". Dr McIntyre felt that the request therefore relates to the implementation rather than formulation of policy. Dr McIntyre also questioned the use of section 23(5). For the full text of the internal review request see **Annex C**.

Procedural issues

6. The Home Office received request via email on 23 March 2015.
7. On 2015 the Home Office provided Dr McIntyre with a substantive response, which represents 20 working days after the initial request. Therefore, the Home Office complied with section 10(1) by providing a response within the statutory deadline of 20 working days.
8. Dr McIntyre was informed in writing of his right to request an independent internal review of the handling of his request, as required by section 17(7)(a) of the Act.

9. The response also informed Dr McIntyre of his right of complaint to the Information Commissioner, as set out in section 17(7)(b) of the Act.

Consideration of the response

Use of exemptions

10. The response informed Dr McIntyre that the requested information was held, but was exempt from disclosure, by virtue of section 35(1)(a) (formulation of government policy).
11. The Extremism Analysis Unit is a new and evolving organisation and although “up and running” at the time of the FOI request, their remit was (and remains) subject to ongoing policy discussions and thus relates to Government policy which has yet to be formulated.
12. As explained in OSCT’s original reply, divulging to the general public how the Unit operates at present would be pre-emptive of decisions still to be made by Ministers, and undermine the integrity of the policy making process.
13. The response also neither confirmed nor denied whether any further information within the scope of the request is held, by virtue of section 23(5) (information supplied by or relating to bodies dealing with security matters). To explain why section 23(5) was cited could in itself divulge information as to whether or not we hold any further information relevant to the request.

Conclusion

14. The response was sent within 20 working days; consequently the Home Office complied with section 10(1) of the FOI Act.
15. Section 1(1)(a) was complied with, as the response clearly stated that the requested information was held.
16. Sections 17(1)(a), 17(1)(b) and 17(1)(c) were complied with, as the response specified the exact exemption in question it relied upon and provided sufficient detail as to why that exemption was applied.
17. The response complied with the requirements in section 17(7)(a) and 17(7)(b) as it provided details of the complaints procedure.

Information Access Team

Home Office

[Date]

Annex A – full text of request

I understand from comments made today by the Home Secretary that an extremism analysis unit within the Home Office is now "up and running". I would be obliged if you could now provide some further information on that unit.

1. What is the role of the unit? Is there a document setting out its remit - if so, could you please provide a copy?
2. Today's comments stated that the unit will "identify which individuals and organisations are extremist and should not be engaged with". Could you please provide more details as to what this entails? In particular, how will individuals and groups be referred to the unit, with whom will these determinations be shared and what effect (legal or other) will they have?
3. How will the extremism analysis unit engage with material hosted on the internet? Is it proposed to seek the removal or blocking of material determined to be extremist?

Annex B – full text of the response letter

Thank you for your email of 23 March 2015, in which you ask for information about the Extremism Analysis Unit (EAU). You specifically asked:

1. What is the role of Unit? Is there a document setting out its remit – If so could you please provide a copy?
2. Today's comments stated that the unit will "identify which individuals and organisations are extremist and should not be engaged with" Could you please provide more details as to what this entails? In particular, how will individuals and groups be referred to the unit, with whom will these determinations be shared and what effect (legal or other) will they have?
3. How will the Extremism Analysis Unit engage with material hosted on the internet? Is it proposed to seek the removal or blocking of material determined to be extremist.

Your first question has been handled as a request for information under the Freedom of Information Act 2000.

We can confirm that the Home Office holds information on the role of the EAU. However, following careful consideration, we have decided that this information is exempt from disclosure, by virtue of the exemptions at section 35(1) of the Freedom of Information Act, pertaining to the formulation of government policy. Section 35 of the Act is a qualified exemption, and requires the consideration of the Public Interest Test. We have balanced the public interest considerations for and against release of the information you request, and found that the public interest falls in favour of maintaining these exemptions. Further explanation of this decision, including the Public Interest Test, are set out in the attached Annex.

In addition, we neither confirm nor deny whether any further information within the scope of your request is held, by reliance on sections 23(5) (information supplied by or relating to bodies dealing with security matters). **Please note that reliance on section 23(5) should not be understood as a confirmation or denial that any further information within the scope of your request does, or does not, exist or is, or is not held by the Home Office.**

Question 2 and 3 of your request did not ask for recorded information and have not been handled under the Freedom of Information Act.

Question 2 sought information on how the EAU will be tasked and how it will identify extremist individuals and organisations. The EAU has been established to provide analysis of extremism to Government. The focus of the EAU will be extremism in this country and overseas which has a direct impact on the UK and UK interests. The EAU is a cross-government resource, with Government departments able to commission research and analysis. The EAU will use the agreed Government definition of extremism: "the vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different, faiths and beliefs. We also regard calls for the death of members of our armed forces as extremist."

In regard to question 3 of your request, which seeks information on how the EAU will engage with material hosted on the internet, we can confirm that the EAU does not seek to remove or block material hosted on the internet that is deemed to be extremist.

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 the address below, quoting **reference 34839**. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Information Access Team
Home Office
Third Floor, Peel Building
2 Marsham Street
London SW1P 4DF
e-mail: info.access@homeoffice.gsi.gov.uk

As part of any internal review the Department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely

FOI Team

Annex C – full text of the internal review request

Dear Home Office,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of the Home Office's handling of my FOI request 'Extremism Analysis Unit'.

Question 1

As regards question 1 the response misapplies section 35(1). The Home Secretary's speech on 23 March 2015 makes it clear that the Extremism Analysis Unit "is already up and running". The request therefore relates to the implementation rather than formulation of policy. I note in particular that the response has not attempted to label the current work of the Unit as a pilot scheme. The assertion that "divulging to the general public how the Unit operates at present would be pre-emptive of decisions still to be made by Ministers" is a non-sequitur. It is always the case that policy might be changed in future. This does not, however, entitle the withholding of information regarding the implementation of existing policy.

The response to question 1 also refers to section 23(5). However it does not attempt to provide any explanation as to why a document on the role of the Unit should contain any information of the sort referred to in that section. It is inherently implausible that a document setting out the function of an administrative unit should contain information supplied by security bodies.

Question 2

As regards question 2, it is extremely surprising that there is no recorded information regarding what appear to be basic matters regarding the work of the Unit. In addition, the response does not address the most important aspect of the question i.e. "with whom will these determinations be shared and what effect (legal or other) will they have?" There must be some documentation in place regarding the sharing of information by the Unit and the effect which decisions of the Unit are intended to have, and I ask that you reassess this.

A full history of my FOI request and all correspondence is available on the Internet at this address: https://www.whatdotheyknow.com/request/extremism_analysis_unit

Yours faithfully,

Dr TJ McIntyre

Annex D – complaints procedure

This completes the internal review process by the Home Office. If you remain dissatisfied with the response to your FoI request, you have the right of complaint to the Information Commissioner at the following address:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF