



Home Office

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Joseph Lloyd  
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6 December 2019

Dear Mr Lloyd

**Freedom of Information Act 2000 request (Our Reference 55207)**

Thank you for your e-mail of 25 August 2019 in which you ask for the following:

*A full copy of the memo regarding use of the special forces during a crisis situation.  
Referenced in the report below:*

<http://www.foiacentre.com/news-Libyan-embassy-siege-Home-Office-debrief.html>

*Under the policy, civil servants at the Home Office may oversee the sending in of  
the SAS to the scene of a "terrorist or terrorist-type" situation, as the memo puts it.  
"Before the Police Commander has time to take fright at the idea of their arriving."*

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

I am able to disclose some of the material which accompanies this response.

Some of the information has been redacted because it is exempt from disclosure under the following exemptions in the FOIA:

- Section 23 - Information supplied by, or relating to, bodies dealing with security matters
- Section 24 – National security
- Section 27 – International relations
- Section 31 – Law enforcement
- Section 40 – Personal information

The explanations for each exemption can be found at Annexes B and C; while Annex A provides an explanation of the public interest test.

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 55207. 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**

### **Consideration of the balance of Public Interest**

Some of the provisions 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 for and against saying whether the information requested is held or not.

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 in saying whether information is held 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, including those who might represent a threat to the UK.

## Annex B

After careful consideration, we are applying section 23(1) (information supplied by or relating to security bodies).

This exemption at section 23(1) is set out in the FOIA as follows:

23(1) Information held by a public authority is exempt information if it was directly or indirectly supplied to the public authority by, or relates to, any of the bodies specified in subsection (3)

The bodies referred to in subsections (1) and (2) are –

- the Security Service,
- the Secret Intelligence Service,
- the Government Communications Headquarters,
- the special forces,
- the Tribunal established under section 65 of the Regulation of Investigatory Powers Act 2000,
- the Tribunal established under section 7 of the Interception of Communications Act 1985,
- the Tribunal established under section 5 of the Security Service Act 1989, • the Tribunal established under section 9 of the Intelligence Services Act 1994, • the Security Vetting Appeals Panel,
- the Security Commission,
- the National Criminal Intelligence Service
- the Service Authority for the National Criminal Intelligence Service.
- the Serious Organised Crime Agency.
- the National Crime Agency.
- the Intelligence and Security Committee of Parliament.

Section 23(1) is an absolute exemption and no public interest test is required.

## **Annex C**

### **Section 24(1) National Security**

The exemption at section 24(1) is set out in the FOIA as follows

24 - (1) Information which does not fall within section 23(1) is exempt information if exemption from section 1(1) (b) is required for the purpose of national security.

#### **Considerations in favour of disclosure**

The Home Office recognises that there is a general public interest in transparency and openness in government. Such openness would lead to a deeper public understanding and awareness in matters relating to national security. There is a public interest in being made aware of how the police deal with potential security threats and protect UK citizens.

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

The exemption at section 24(1) is engaged on the basis that there is a very strong public interest in safeguarding national security. It is important that this sensitive information is protected, as disclosure would damage national security.

#### **Conclusion**

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 31(1) Law enforcement**

The exemption at section 31(1)(a) is set out in the FOIA as follows:

31 (1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice:

a) The prevention or detection of crime

### **Considerations in favour of disclosure**

The Home Office recognises that there is a general public interest in transparency and openness in government. Such openness would lead to a deeper public understanding and awareness in matters relating to law enforcement.

Disclosure of information contained within this file would provide evidence of how the police safeguard the processes 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.

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

The Home Office recognises 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 this file contains considerable detail about the organisations and individuals that were (and may still be) of interest to the police services. 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 (or have the potential to), threaten public order.

Awareness of the overall responsibilities and duties of the police services and the security bodies and the detail of operational focus and methodology 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.

It is considered that any disclosure of such related information would therefore undermine their abilities to carry out their duties and responsibilities.

### **Conclusion**

For the reasons given above we have concluded that the balance of the public interest lies in favour of withholding the requested information under section 31 of the FOIA.

## **Section 27(1) – International relations**

The exemption at section 27(1) is set out in the FOIA as follows:

27- (1) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice-

- (a) relations between the United Kingdom and any other State,
- (b) relations between the United Kingdom and any international organisation or international court,
- (c) the interests of the United Kingdom abroad, or
- (d) the promotion or protection by the United Kingdom of its interest abroad.

### **Considerations in favour of disclosure**

The Home Office recognises that there is a general public interest in transparency and openness in government. Such openness would lead to a deeper public understanding and awareness in matters relating to international relations.

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

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 and our law enforcement responsibilities 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.

### **Conclusion**

We have concluded that the balance of the public interest lies in favour of withholding the requested information under section 27(1) of the FOIA.

## **Section 40(2) – Personal information**

The Home Office has obligations under data protection legislation and in law generally to protect personal data. We have concluded that some of the information you have requested is exempt from disclosure under section 40(2) of the FOI Act, 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(2) is an absolute exemption, which does not require a public interest test.