

**Freedom Of Information**

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Website: www.westyorkshire.police.uk

Our ref: 7154/20

Date: 11/01/2021

Dear Sir/Madam

Thank you for your request for information, received by West Yorkshire Police on 10/12/20.

You requested the following information:

how many planned Terrorist attacks on emergency service personnel or buildings have been thwarted/stopped by Security Services and or Police in your area West Yorkshire within the last five years

West Yorkshire Police can neither confirm nor deny that information is held.

However, this should not be taken as conclusive evidence that the information you requested exists or does not exist.

Please see Appendix A for the full legislative explanation

COMPLAINT RIGHTS

If you are not satisfied with how this request has been handled or with the information provided, please read the advice notice attached to this letter. If you do wish to take up your right of complaint, please remember to quote the reference number above, in any future correspondence.

Yours sincerely,

Gemma Burton
Disclosure Officer

Appendix A

The Freedom of Information Act 2000, creates a statutory right of access to information held by Public Authorities. A Public Authority in receipt of a request, must if permitted state under Section 1(a) of the FOI Act, whether it holds the requested information and if held, then communicate that information to the applicant, under Section 1(b) of the Act.

The right of access to information is not without exception and is subject to a number of exemptions. These exemptions are designed to enable public authorities, to withhold information that is unsuitable for release.

Importantly the Act is designed to place information into the public domain, so that is accessible if granted to one person under the Act. It is then considered public information and must be communicated to any individual, should a request be received.

Decision

This letter serves as a Refusal Notice under Section 17 of the Freedom of Information Act 2000.

Section 17 of the Act provides:

(1) A public authority which, in relation to any request for information, is to any extent relying on a Claim, that information is exempt information must within the time for complying with Section 1(1), giving the applicant a notice which:-

- (a) States the fact,
- (b) Specifies the exemption in question, and
- (c) States (if that would not otherwise be apparent) why the exemption applies.

Reason for decision

The West Yorkshire Police Service can neither confirm nor deny, that it holds the information you requested, as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply. By virtue of the following exemptions:

Section 23(5) Information supplied by, or concerning, certain Security Bodies
Section 24(2) National Security
Section 31(3) Law Enforcement

Section 23 is a class based absolute exemption and there is no requirement to consider the public interest in this case. Confirming or denying whether any other information is held would contravene the constrictions laid out within Section 23 of the Freedom of Information Act 2000 in that this stipulates a generic bar on disclosure of any information applied by, or concerning, certain Security Bodies.

Sections 24 and 31 are prejudice based qualified exemptions and there is a requirement to evidence the prejudice (harm) in disclosure and consider the public interest to ensure neither confirming nor denying that information is held is appropriate.

Harm in Confirming or Denying that any information is or isn't held

Any release under FOIA is a disclosure to the world, not just to the individual making the request. To confirm or not that information is held pertinent to this request would reveal whether or not West Yorkshire Police has had any planned terrorist attacks targeting emergency service personnel and buildings thwarted within the last five year period by either the Security Services or the Police.

Police forces work in conjunction with other agencies and information is freely shared in line with information sharing protocols. Modern day policing is intelligence led and this is particularly pertinent with

regard to both law enforcement and national security. The public expect police forces to use all powers and tactics available to them to prevent and detect crime or disorder and maintain public safety.

The prevention and detection of crime is the foundation upon which policing is built and the threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. The current [UK threat level](#) from international terrorism, based on intelligence, is assessed as 'Severe' which means that a terrorist attack is highly likely.

In order to counter criminal and terrorist behaviour, it is vital that the police have the ability to work together, where necessary covertly, to obtain intelligence within current legislative frameworks to assist in the investigative process to ensure the successful arrest and prosecution of offenders who commit or plan to commit acts of terrorism.

To achieve this goal, it is vitally important that information sharing takes place between police officers, members of the public, police forces as well as other security law enforcement bodies within the United Kingdom. Such an action would support counter-terrorism measures in the fight to deprive terrorist networks of their ability to commit crime.

The impact of providing information under FOI which aids in identifying whether there have been thwarted terrorist attacks on emergency service personnel or buildings or not would provide those intent on committing criminal or terrorist acts with valuable information as to where the police are targeting their investigations. If there had or hadn't been any thwarted attacks, confirmation or denial would undermine the effective delivery of operational law enforcement by highlighting which areas have or have not received police attention. Furthermore, intelligence would be weakened thereby undermining national security and leaving the United Kingdom at risk of more terrorist attack.

Public interest test

Factors favouring confirmation or denial Section 24(2)

The public are entitled to know how public funds are spent and resources distributed within an area of policing, particularly with regard to how the police investigate terrorist atrocities. To confirm whether any information exists would enable the general public to hold West Yorkshire Police to account in relation to how they respond and resource counter terrorism operations.

Furthermore, confirmation or denial may improve public debate and assist the public to take steps to protect themselves.

Factors against confirmation or denial Section 24(2)

Taking into account the current security climate within the United Kingdom, no information which may aid a terrorist should be disclosed. To what extent this information may aid a terrorist is unknown, but it is clear that it will have an impact on a force's ability to monitor terrorist activity.

The public entrust the Police Service to make appropriate decisions with regard to their safety and protection. The only way of reducing risk is to be cautious with what is placed into the public domain.

The cumulative effect of terrorists gathering information from various sources would build a picture of vulnerabilities within certain scenarios, such as thwarted planned terrorist attacks. The more information disclosed over time will provide a more detailed account of the tactical infrastructure of not only a force area but also the country as a whole.

Any incident that results from such a disclosure would by default affect National Security.

Other organisations outside the Police Service are also widely engaged in targeting terrorism, therefore confirmation or denial as to whether information exists relevant to this request would harm the close relationship that exists with such organisations where trust and confidence has been built up.

Factors favouring confirmation or denial Section 31(3)

There is information within the public domain, such as information on [international terrorism](#) on the MI5 website and this in itself favours confirming information is held.

Factors against confirmation or denial Section 31(3)

West Yorkshire Police has a duty of care to the community at large and public safety is of paramount importance. If an FOI disclosure revealed information to the world (by citing an exemption or stating no information held) that would undermine the security of the national infrastructure, offenders, including terrorist organisations, could use this to their advantage which would compromise public safety and more worryingly encourage offenders to carry out further crimes.

By its very nature, information relating to any counter terrorist operation undoubtedly undermines National Security. Under FOI there is a requirement to comply with Section 1(1)(a) and confirm what information is held. In some cases it is that confirmation, or not, which could disclose facts harmful to members of the public, police officers, the Government and its employees.

Balance test

The points above highlight the merits of confirming, or denying, whether any information pertinent to this request exists. The security of the country is of paramount importance and the Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, various operations with other law enforcement bodies may or may not be ongoing. The Police Service will never divulge whether or not information is held if to do so would place the safety of individual(s) at risk or undermine national security.

Whilst there is a public interest in appropriately and effectively engaging with the threat from criminals, there is a very strong public interest in safeguarding National Security. As much as there is a public interest in knowing that policing activity is appropriate and balanced in matters of National Security, this will only be overridden in exception circumstances.

The public entrust the Police Service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with any information that is released. Confirming or denying whether counter terrorist attacks have or haven't taken place would definitely reveal police activity and would assist those intent on causing harm. Any incident that results from confirmation or denial would, by default, affect National Security.

Therefore, at this moment in time, it is our opinion that for these issues the balance test for confirming, nor denying, that information is held is made out.

No inference can be taken from this refusal that information does or does not exist.

COMPLAINT RIGHTS

1. Are you unhappy with how your request has been handled or you think the decision is incorrect?

You have the right to request that West Yorkshire Police review their decision. Prior to lodging a formal complaint, we encouraged that you discuss the decision with the case officer that has dealt with your request.

2. Ask to have the decision looked at again

The quickest and easiest way to have the decision looked at again, is to telephone the case officer that is nominated at the end of your decision letter. That person will be able to discuss the decision, explain any issues and assist with any problems.

3. Complaint

If you are dissatisfied with the handling procedures or the decision of West Yorkshire Police, made under the Freedom of Information Act 2000 regarding access to information, you can lodge a written complaint to have the decision internally reviewed.

A West Yorkshire Police internal review of your decision, will be carried out by a senior member of staff who is fully trained in interpreting Freedom of Information legislation. The review will be independent conducted, regardless to the original decision made.

Complaints will only be treated as valid, if they are received by West Yorkshire Police within a 60 day timeframe from the date of the decision letter. They must include the original FOI Reference Number and can only be submitted in writing, by using the following contact details:

foi@westyorkshire.pnn.police.uk

or

West Yorkshire Police
FOI Internal Reviews
PO Box 9
Laburnum Road
Wakefield
WF1 3QP

In all possible circumstances, West Yorkshire Police will aim to complete and respond to your internal review within 20 working days. However this date may be extended in exceptional circumstances, by another 20 working days.

4. The Information Commissioner

If you are still dissatisfied with the internal review decision, made by West Yorkshire Police. You can then make an application to the Information Commissioner, for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at www.ico.gov.uk

Alternatively, you can phone their helpline or write to them at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
FOI Help Line: 0303 1231113