



**WEST YORKSHIRE
POLICE**

Information Management

Freedom Of Information

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Our ref: 5993/20

Date: 22/12/2020

Dear D. Lee,

Thank you for your request for information received by West Yorkshire Police on 19/10/2020.

You requested the following information:

Please confirm the number of searches of persons reasonably suspected by police officers of being a terrorist (Section 43 Terrorism Act 2000) conducted in each of the last five years and,

Please see the table below showing the number of stop and searches carried out under section 43 of the Terrorism Act 2000, 01/01/2015 to 30/09/2020.

| Year | Stop Searches |
|-------|---------------|
| 2015 | 7 |
| 2016 | 9 |
| 2017 | 11 |
| 2018 | 6 |
| 2019 | 11 |
| 2020* | 3 |

*2020 covers the period 1st January 2020 to 30th September 2020

Figures are all stop and searches recorded during periods requested under Section 43 Terrorism Act 2000 by West Yorkshire Police.

Further information about stop search categories and powers can be found within section 5 of the User Guide to Police Powers & Procedures Statistics:

www.gov.uk/government/publications/police-powers-and-procedures-in-england-and-wales-201112-user-guide

Please confirm the percentage of searches that result in the searching-officer/s finding evidence that the detained person is a terrorist (within the statutory definition).

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

Section 23(5) - Information Concerning Security Bodies, Section 24(2) – National Security and Section 31(3) – Law enforcement.

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 as to why West Yorkshire Police can neither confirm nor deny whether any information is held.

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,

Rebecca Fawcett,
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 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 which 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. Information is 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

Your request for information has been considered and I regret to inform you that West Yorkshire Police cannot comply. 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), give 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.

REASONS 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 Concerning Security Bodies
Section 24(2) – National Security
Section 31(3) – Law enforcement

Section 23 is an absolute and class based exemption and there is no requirement to evidence the public interest test in this case.

Sections 24 and 31 are qualified exemptions and as such there is a requirement to articulate the harm and conduct a test of the public interest in confirmation or denial.

Overall Harm

The threat of terrorism cannot be ignored. It should be recognised that the international security landscape is increasingly complex and unpredictable. The UK has faced a sustained threat from violent terrorists and extremists. More recently that threat has increased where in the last year alone there have been numerous terrorist atrocities.

Since 2006 the UK Government have published the threat level based upon current intelligence and that threat level has predominantly been set at the second highest level 'severe'. Recently the threat level was raised to the highest 'critical' following the Manchester Arena Bombing in May 2017. The current threat level to the UK is 'severe', see below link:

<https://www.mi5.gov.uk/threat-levels>

To confirm or deny that the requested information is held would undermine individual forces policing capabilities which consequently would be detrimental to their ability to deal with the on-going terrorist threat we face. By providing the number of terrorism arrests by an individual force would allow comparison between forces across the country and enable terrorists to build a picture of what resources are in place and where they are deployed. It is felt that confirmation or denial that this information is held would prejudice the effectiveness of the national counter terrorism effort and would allow inferences to be drawn about force level counter-terrorism activity and identify vulnerability around the country.

Public Interest Test

Factors favouring confirmation or denial for S24

The public are entitled to know how public funds are spent and by confirming or denying that this information is held would allow the public to see where money is being spent and know that forces are doing as much as they can to combat terrorism.

Factors favouring neither confirming or denying for S24

To confirm or deny that this information is held would render security measures less effective which would compromise ongoing or future operations to protect the security and infrastructure of the UK. The risk of harm to the public would be elevated if areas of the UK which appear vulnerable were identified which would also provide the opportunity for terrorist planning. Ongoing or future operations to protect the security and infrastructure of the UK would be compromised as terrorists could map the level of counter-terrorist activity across the country, providing them with the knowledge of individual force capability as well as valuable knowledge concerning the vulnerability of individual force areas.

Factors favouring confirmation or denial for S31

To confirm or deny that this information is held would make members of the public more aware of the threat of terrorism and allow them to take steps to protect themselves and families. Improved public awareness may lead to more intelligence being submitted to police about possible acts of terrorism as members of the public will be more observant to suspicious activity which in turn may result in a reduction of crime. The Home Office regularly publish national statistical data on terrorism.

Factors favouring neither confirming or denying of S31

To confirm or deny that the requested information is held could compromise law enforcement tactics which would hinder the Police force's ability to prevent and detect terrorist crimes. The threat of terrorism will increase as more crimes are committed as a result of terrorists gaining knowledge about the capabilities of individual forces and therefore the public will be placed at a greater risk. A fear of crime will be realised as terrorists identify vulnerable areas and target and exploit these areas resulting in the public being in fear of more terrorist activity occurring. There would be an impact on police resources from confirming or denying that arrests have been made, as vulnerable forces may need to increase their resources to reassure and protect the surrounding community.

Balance Test

The Home Office regularly publishes data in relation to terrorism arrests and charges.
I have supplied the link to the information supplied by the Home Office below:

<https://www.gov.uk/government/collections/counter-terrorism-statistics>

To confirm or deny that the police have made terrorism related arrests at force level would start to indicate levels of policing activity at force level which could allow individuals to exploit what may be considered as less active or resourced areas, by assessing patterns of police activity and deployments over time, ultimately to avoid detection.

The security of the country is of paramount importance. The police will not divulge any information that would place the safety of an individual at risk or undermine national security. Whilst there is a public interest in the transparency of policing, and in this case providing assurance that the Police Service is appropriately and effectively engaging with the threat posed by terrorist activity, there is a very strong

public interest in safeguarding both national security and the integrity of police investigations and operations in the highly sensitive subject of terrorism.

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 exceptional circumstances. Police force's capabilities of combating terrorism are sensitive issues of intelligence and would be of value to the terrorist and therefore it is our opinion that for these issues the balancing test for confirming or denying that this information is held, is not made out.

However, this should not be taken as necessarily indicating that any information that would meet your request exists or does not exist.

COMPLAINT RIGHTS

1. Are you unhappy with how your request has been handled or do 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, you are encouraged to discuss the decision with the case officer that 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, explaining any issues.

3. Complaint

If you are dissatisfied with the handling procedures or the decision made by West Yorkshire Police under the Freedom of Information Act 2000, 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, yet is independent with regards 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 may 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