



**HEDDLU
GOGLEDD CYMRU
NORTH WALES
POLICE**

Response Date: 30/10/2020

2020/781 - Section 43 Terrorism Act Searches

In response to your recent request for information regarding;

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,

In relation to your request, we can confirm that information is held. However, concerns have been raised in relation to disclosing the information you have requested, therefore, the following exemptions have been engaged:

Section 24 (1) National Security

Section 31(1) Law enforcement

Sections 24 and 31 are prejudice based qualified exemptions and both require evidence of harm and public interest considerations to be articulated to the applicant.

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.

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'. More recently, the threat level was raised to the highest 'critical' following the Manchester Arena Bombing in May 2017, and following the bombing on the District Line at Parsons Green earlier this month. The current threat level to the UK is 'substantial', see below link:

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

Disclosure of the requested information 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 'searches of persons reasonably suspected by police officers of being a terrorist (Section 43 Terrorism Act 2000)' 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. Releasing this information 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

Section 24 (1)

Factors favouring disclosure

The public are entitled to know how public funds are spent and resources distributed within policing as a whole. To release the information requested would inform the public that North Wales Police allocate their resources appropriately. In the current climate of cuts and with the call for transparency of public spending this would enable improved public debate, and give further reassurance to the public.

Factors favouring non-disclosure

The public are entitled to know how public funds are spent and resources distributed within policing as a whole. To release the information requested 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.

Section 31(1)

Factors favouring disclosure

Releasing information in relation to 'the number of searches of persons reasonably suspected by police officers of being a terrorist (Section 43 Terrorism Act 2000)' 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 non-disclosure

Releasing this information would 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 by providing the information requested, 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 etc.

I have supplied the link to the information supplied by the Home Office below:

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

<https://www.gov.uk/government/statistics/operation-of-police-powers-under-the-terrorism-act-2000-financial-year-ending-march-2020>

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.

North Wales Police will not divulge information if it is likely that it will compromise the work of the Police Service or place members of the public at risk. Release of the information requested would provide criminals intent on carrying out criminal behaviour information to identify areas of the country with increased/reduced terrorist activity. It is therefore our belief that the balance test lies in favour of not disclosing the information.

Therefore, in accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under section 17 (1) of the legislation.

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).

North Wales Police do not hold a figure of the 'percentage of searches'.

THIS INFORMATION HAS BEEN PROVIDED IN RESPONSE TO A REQUEST
UNDER THE FREEDOM OF INFORMATION ACT 2000, AND IS CORRECT AS AT 21/10/2020