

Our Ref: IM-FOI-2017-2055
Date: 12 October 2017



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

I request the following information to be disclosed under FOISA:

a) a description of the way the Specialist Firearms Unit fits into the structure of Armed Policing

The Specialist Firearms Unit forms part of Police Scotland's Armed Policing Unit as a whole.

b) an organisational structure of the command of the Unit

c) a complete organisational structure, or as much as can be disclosed, of the Unit

For questions b) and c) please see the attached FOI Request 2016-2329, which was sent on 9 January 2017.

The response and the reasons for refusing to provide the information for this request remains unchanged and in order to assist the top level Armed Policing command structure was provided.

d) the general duties of the unit and its purview within Armed Policing

I regret to inform you that the information requested for question d) is considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act). Section 16 of the Act requires Police Scotland to provide you with a notice which: (a) states that it holds the information, (b) states that it is claiming an exemption, (c) specifies the exemption in question and (d) states, if that would not be otherwise apparent, why the exemption applies. Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided.

Section 35 (1) (a) & (b) – Law Enforcement

Disclosure of the requested information would give an indication of the operational capabilities of the Service and the capability of Police Scotland in relation to the deployment of Authorised Firearms Officers (AFO) throughout the Service area.

By way of explanation, release of the requested information would indicate the Service's ability to respond to incidents which could then be used by individuals intent on wrong doing to gauge with some accuracy the likelihood of the unit's resources during the

commission of crime and take steps to prepare for such, which would provide them with a tactical advantage when planning or perpetrating crimes. Furthermore, this would also be likely to endanger not only the officers concerned but also members of the public who could be injured as a result of such action.

This is a non-absolute exemption and requires the application of the public interest test.

Section 31 (1) – National Security and Defence

As described previously, this information, if disclosed, may assist terrorist organisations to identify, with some accuracy, the likelihood of the deployment of an AFO during the commission of crime and take steps to prepare for such deployment which would provide them with a tactical advantage when planning or perpetrating their terrorist plans and activities and cause the maximum impact of destruction and disruption.

Furthermore, when such a request is replicated to all Police Forces within the United Kingdom it would allow comparisons to be made across the United Kingdom and enable terrorists to build a picture of where policing resources are in place and where they may or may not be currently deployed.

The security of the United Kingdom is of paramount importance and Police Scotland will not disclose further details of such information if it would impact on National Security, law enforcement and the health and safety of the community.

This is a non-absolute exemption and requires the application of the public interest test.

Section 39 (1) – Health, Safety and the Environment

Once more, disclosure of the requested information would allow those persons intent on committing crime to gauge with some accuracy the likelihood of the deployment of an AFO during the commission of crime and take steps to prepare for such deployment which would provide them with a tactical advantage when planning or perpetrating crimes.

This ability would leave both police officers and members of the public at risk from injury and as such Police Scotland cannot release information which would be detrimental to the safety of the public. In this instance disclosure would, or would be likely to, endanger the physical or mental health or the safety of an individual.

This is a non-absolute exemption and requires the application of the public interest test.

Public Interest Test

The exemptions listed above are non-absolute and require the application of the Public Interest Test. While it could be argued that public debate and accountability in terms of Armed Policing would favour disclosure, the Service needs to consider the impact of the release of this information into the public domain and I would argue that the need to ensure the efficient and effective conduct of the service in a key law enforcement role and the preservation of public safety favours non-disclosure of the information requested.

Moreover, the United Kingdom currently faces a sustained threat from violent terrorists and extremists. The current threat level for international terrorism for the UK is assessed as 'severe'. This means that an attack is highly likely and may occur without warning, but there is no specific intelligence of a terrorist attack.

As such, I appreciate that on the face of it your request may seem particularly harmless; however, as you can appreciate a response under the Act is a public disclosure. In conclusion, it is considered that the public interest in disclosing the information requested by you is outweighed by the public interest in maintaining the exemption as detailed above.

For operational security reasons we would not provide information as to specific duties of the SFU, but SFU officers are Armed Firearms Officers and as AFOs they are deployed to incidents where the deployment of armed officers is considered appropriate and there is a need for their specialist skills, or there is a specific threat to life meriting their response. In addition, officers will also respond to and deal with situations directly encountered in the course of their duty using their professional judgement.

In order to assist, Armed police officers follow strict criteria laid down in national guidance within the College of Policing's Authorised Professional Practice (Armed Policing) document and further information on deployment of AFOs can be found at the following link:

<https://www.app.college.police.uk/app-content/armed-policing/use-of-force-firearms-and-less-lethal-weapons/deployment-of-afos/>

e) the levels of firearms qualification that are employed within the Unit.

All Armed Firearms Officers in Police Scotland are trained in line with the College of Policing's National Police Firearms Training Curriculum (NPFTC) which is owned and managed by the College of Policing. This document is not publicly available; however, further explanation of the NPFTC is available at the following link:

<https://www.app.college.police.uk/app-content/armed-policing/national-police-firearms-training-curriculum/>

Should you require any further assistance concerning this matter please contact Information Management – Glasgow on 01786 895867 quoting the reference number given.

If you are dissatisfied with the way in which your request has been dealt with, you are entitled in the first instance, and within 40 working days of receiving this response, to request a review of our actions and decisions.

Should you wish to do so, please contact us at the following address, stating what has caused your dissatisfaction and what you require us to review:

Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH - foi@scotland.pnn.police.uk

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Scottish Information Commissioner within six months for a decision. You can raise an appeal using the online service at www.itspublicknowledge.info/Appeal or by writing to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS, or via email at enquiries@itspublicknowledge.info.

Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.