

Request Reference: 1666A/22*Exempt information:*

*Q4. I'd also like a list (if it exists in this format) of the groups that are of most interest to you regarding these large scale operations, or which exist on a list of monitored groups, again this could include any type of organisation but I'm really only looking for the bare bones basics of the most of note (top ten, or top five) groups that are of concern to your force.*

*Qualified exemptions:*

*Section 24(2) - National security*

*Section 31(3) - Law enforcement*

Harm

The threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. Since 2006, the UK Government has published the national threat level. Threat levels are designed to give a broad indication of the likelihood of a terrorist attack and based upon intelligence, the current threat to the UK from terrorism is SUBSTANTIAL which means an attack is likely.

The United Kingdom continues to face a sustained threat from violent extremists and terrorists and in order to counter criminal and terrorist behaviour, it is vital that the police have the ability to work together 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 and internationally if appropriate. This information sharing supports counter-terrorism measures in the fight to deprive extremists and terrorist networks of the ability to commit crime.

To confirm or deny whether information is held relevant to this question would be extremely useful to those involved in criminal activities and also terrorists as it would enable them to identify police intelligence and whether covert police techniques, including surveillance are being used. This harm is magnified when a request for information is made to all forces, as through individual force confirmation or denial of whether information was held, a national picture would very quickly become apparent of where in the UK police are undertaking monitoring activity, and where they are not.

Any disclosure no matter how generic, which may assist a criminal, terrorist or terrorist organisation will adversely affect public safety.

The Police Service is committed to demonstrating proportionality and accountability regarding surveillance techniques to the appropriate authorities. However, if the Police Service were to either confirm or deny that information exists, it would highlight where the focus of police intelligence and surveillance on specific groups was across the UK. The impact could undermine national security, any on-going investigations and any future investigations, as it would enable targeted individuals/groups to become surveillance aware. This would help subjects avoid detection and inhibit the prevention and detection of crime.

### **Public Interest Test**

#### *Section 24 - Factors favouring confirmation or denial:*

The public are entitled to know how public funds are spent and how resources are distributed within an area of policing. To confirm that specific groups are monitored would enable the general public to hold West Midlands Police to account where investigations are concerned. In the current financial climate and with the call for transparency of public spending, this would enable improved public debate and give further reassurance to the public.

#### *Section 24 - Factors against confirmation or denial:*

Security measures are put in place to protect the community we serve. To confirm or deny specific groups are monitored would highlight to terrorists, and individuals intent on carrying out criminal activity, vulnerabilities within policing.

Irrespective of what information is or isn't held, 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 what is placed into the public domain.

To confirm or deny whether the force hold information would allow inferences to be made about the nature and extent of national security related activities which may or may not take place in a given area. This could enable extremist and terrorist group(s) to take steps to avoid detection, and as such, confirmation or denial would be damaging to national security. 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.

By confirming or denying any policing arrangements of this nature would render national security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK and increase the risk of harm to the public.

#### *Section 31 - Factors favouring confirmation or denial:*

Confirming that information exists would lead to a better informed public which may encourage individuals to provide intelligence in order to reduce offences.

#### *Section 31 - Factors against confirmation or denial:*

Confirmation or denial that information is held in this case would suggest West Midlands Police take their responsibility to protect information dismissively and inappropriately.

West Midlands 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 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 the use of police intelligence and surveillance within a specific force area undoubtedly undermines the effective delivery of operational law enforcement. 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, other law enforcement agencies and their employees.

### **Balance Test**

For a public interest test, the public interest in maintaining the exemption must be weighed against the public interest in disclosure. In this case, factors for and against confirming or denying whether information is held.

It is important to note though that 'public interest' in the context of FOIA is not just what might be of interest to the public, but what would be for the greater good if released to the world at large under the Act.

Whilst there is a public interest in the transparency of policing resources and providing assurance that the police service is appropriately prepared and effectively engaging with the threat posed by various groups or individuals, there is a very strong public interest in safeguarding the integrity of police resources and operations in the highly sensitive areas such as extremism, crime prevention, public disorder, and terrorism prevention.

The security of the country is of paramount importance and West Midlands Police will not divulge information, if to do so would place the safety of an individual at risk, undermine national security or compromise law enforcement. It is therefore my opinion that for these issues the balancing test for confirming or denying the existence of any information concerning 'monitored groups' is not made out and favours maintaining the exemption.

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