

Our Ref: IM-FOI-2022-2084
Date: 27 October 2022



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.

1. Over the past 10 years:

- a) How many terror related incidents have occurred in Scotland?
- b) Can this be broken down into each of the years for the following categories: Extremist, Far-Right, Eco-Terrorism, and Nationalist?
- c) Is there is anything outside of these categories that could be classed as other?

The decision to declare an incident as a terrorism *incident* is taken by the Senior National Co-ordinator (SNC) Prevent & Pursue, although a Chief Officer may also declare a single-Force incident as terrorism-related, after discussion with SNC Prevent & Pursue.

Based on the definition set out above, there have been zero terrorism incidents in Scotland since 2013 - for this reason I must respond in terms of Section 17(1) of the Act: Information not held.

2. In the past 10 years, how many arrests have taken place for terror related offences in Scotland?

It should first be noted that Police Scotland do not hold statistics on 'arrests' in general. To explain, Police in Scotland have the power to arrest an individual where there is sufficient evidence to support a charge against them - either for a common law offence or for a statutory offence where the statute empowers the police to arrest any person contravening its provisions. There are no mandatory recording processes in relation to arrests as not all offenders are routinely arrested when they commit offences and some may be subject of a report to the Procurator Fiscal without ever having been arrested.

Alternatively, turning to the crime recording systems used by Police Scotland, I can advise you that the attached table (22-2084 information refers) provides you with the detected crimes recorded for the financial reporting years 1 April 2011 to 31 March 2022.

3. Of these arrests, what regions of Scotland where they located and can this be broken down into each of the years for the following categories: Extremist, Far-Right, Eco-Terrorism, Nationalist and other?

The information requested is held by Police Scotland, however it is considered to be exempt in terms of Section 16 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

Law Enforcement Information is exempt information if its disclosure under this Act would, or would be likely to; prejudice substantially the prevention or detection of crime and the apprehension or prosecution of offenders.

To disclose this information into the public domain would undermine the tactical options available and compromise the effective delivery of future operational law enforcement.

Section 31 (1) – National Security and Defence

Information is exempt information if it is required for purpose of safeguarding national security. It should be recognised that the national security landscape is increasingly complex and unpredictable at this time.

Disclosure of this information coupled with the disclosure of similar information from other forces and law enforcement agencies would give such criminals and terrorists a more detailed account of the tactical infrastructure of not only Police Scotland, but also the country as a whole. Any incident that results from such a disclosure would by default affect National Security.

Section 34(1) (b) – Investigations

Information is exempt information where it would apply to any information held at any time for the purposes of an investigation, conducted by the authority.

These are non-absolute exemptions and requires the application of the Public Interest Test.

Police Scotland will not disclose information which could place the public at risk or undermine its capabilities in carrying out its core function of preventing and detecting crime.

The public have an expectation that the police will make the 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.

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Although there is a public interest in openness and transparency, there is a greater interest in protecting the public from harm. Therefore, it is our opinion that the balance lies with non-disclosure of this particular information.

If you require further assistance or are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

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

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.