

Our Ref: IM-FOI-2022-2636  
Date: 20 December 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.

- **How many personnel working for your police force have been referred to the government terrorism prevention programme (PREVENT)?**
- **Can I have these figures for the year 2022 so far, and then for the previous four annual years before that?**
- **Please can you break down the figures for each year by the type of terrorism activity e.g. extreme right-wing related activity, left wing anarchist, no clear ideology, islamist related activity etc.**
- **Please can you break down the figures for each year by job title or seniority of rank.**

Having considered your request in terms of the above Act, in terms of section 18 of the Freedom of Information (Scotland) Act 2002, I am refusing to confirm or deny whether the information you have requested is held. Section 18 provides that an authority does not have to confirm whether or not information is held where;

- if the information were held, it would be considered exempt from disclosure in terms of any of sections 28 to 35, 38, 39(1) or 41 of the Act; and
- disclosing whether or not information is held would be contrary to the public interest

If the information requested was held, I consider that it would be exempt from disclosure in terms of the following exemptions:

Section 31(1) - National Security  
Section 34(1)(b) - Investigations  
Section 35(1)(a)&(b) - Law Enforcement  
Section 39(1) - Health and Safety

The Freedom of Information (Scotland) Act 2002 makes it a legal requirement that an authority has to not only provide information (unless it is exempt), but to also confirm whether or not that information is held, *unless* to do so would be contrary to the public interest and the information, if it was held, would be exempt from disclosure.

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Any information identifying the focus of this activity could be used to the advantage of terrorists or criminal organisations to establish with some degree of accuracy whether the scale of their intentions are known to Police and adapt their plans accordingly.

Police Scotland works in partnership with other agencies in order to combat issues such as terrorism and organised crime. Disclosure of the information requested, if held, would seriously undermine this partnership approach, both in the UK and through international cooperation.

### Section 38(1)(b): Personal Data

In terms of the associated Section 38 (Personal Data) considerations your request raises, I believe it would be contrary to the public interest to reveal whether the information is held.

Whilst we accept that you may have a particular personal interest in being informed as to whether or not the information sought is held, the overwhelming public interest lies in protecting individuals' right to privacy and the expectation of confidence that the public have in Police Scotland as regards their information.

In this instance, sections 38(1)(b) and 38(1)(2A) of the Act apply insofar as you have requested third party personal data which is exempt from disclosure where it is assessed that disclosure would contravene the data protection principles as defined in the Act.

Section 2(1) & (2) of the Act provide that information can only be considered exempt in terms of the exemptions set out above to the extent that the public interest in disclosing the information is not outweighed by that in maintaining the exemption.

### Public Interest

The key test when considering where the balance of public interest lies is to establish whether, in all the circumstances of the request, the public interest in confirming or denying the information is held is not outweighed by maintaining the exemption(s).

In general terms the purpose of Prevent is to 'stop people becoming terrorists or supporting terrorism and information is routinely published by Police Scotland and is in line with the three main operational regions: East, West and North, broken by financial year.

Data is published in this format to give an idea of the scale and nature of Prevent referrals across Scotland, without making it possible to identify any individuals, via the link below:

[www.scotland.police.uk/about-us/how-we-do-it/prevent-referral-data/](http://www.scotland.police.uk/about-us/how-we-do-it/prevent-referral-data/)

It is acknowledged that matters relating to such referrals are of public interest and such awareness may favour confirming or otherwise the existence of further information of relevance, as it would contribute to the public debate surrounding the issue.

However it is important to note that the published data does not identify *any* occupation and accordingly this also applies to police related occupations. Information is published in this format as it is considered safe to do so. The number of people referred in any grouping will be small and to identify their occupation along with other details could lead to the identification of those referred to the programme.

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It is acknowledged that confirming or denying that information relevant to the request exists, would lead to better public awareness into Police Scotland's monitoring of individuals who pose a security risk to the country and this awareness may lead to more information (intelligence) being submitted from the public.

However we must ensure that the release of this level of detail is not inadvertently harmful as individuals who are referred to the programme and who receive support do so with assurances about the confidentiality of the process. There should be no concerns that the release of data will lead to the identification of an individual. This would undermine the approach and reduce the number of people willing to engage with the process.

This is a matter of principle which applies equally to any information that could undermine the operational integrity of these activities which would adversely affect public safety and have a negative impact on both national security and law enforcement.

Police Scotland's priority is to keep the people of Scotland safe and irrespective of what information is or isn't held, to merely confirm or deny that information is held would provide information which would assist those intent on causing harm.

In conclusion, it simply cannot be in the public interest for Police Scotland or any police force to confirm a more detailed breakdown relating to those individuals, who are currently, or have been in the past, subject to this process.

**This explanation should not be taken as indicative or conclusive evidence that the information you have requested exists or does not exist.**

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](mailto: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](mailto: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.