

Our Ref: IM-FOI-2022-1873  
Date: 27 September 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. The number of children under the age of 18 and the number of people aged 18-25 in Scotland who were referred to the UK's Prevent Programme in the years 2019, 2020, 2021 and up to August 2022.**
- 2. Each incident should be broken down by date, age at the time of referral, reason (e.g. far-right extremism etc.), and who referred them (school, university etc.).**

For ease, Q1 and Q2 have been considered together:

Having considered your request in terms of the above Act, I would first of all advise you that Police Scotland's priority is to keep the people of Scotland safe.

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 has been 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.

On that basis I can confirm that some information relating to your request is available, 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/)

To assist, demographic information including age bracket, gender and type of concern are published within Section 3 of the publication above.

Turning to the *calendar year* periods requested, 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

### **Overall Harm**

Confirming or denying whether any information is held relevant to the request would show where policing interest has or has not occurred in any calendar year. This would enable comparisons to be made with the published financial year data, allowing those engaged in criminal or terrorist activity to more accurately identify the focus of policing targets.

Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on both national security and law enforcement.

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 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.

### **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.

## 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).

I can confirm that I have considered the public interest with the view that whilst accountability for public funds and better informing the public debate on a matter of significant concern may favour disclosure, ensuring the integrity of the police response to terrorist and criminal activity and ultimately, keeping people safe from harm is paramount.

The risk of harm to the public would be elevated as whilst the public may speculate that such operations take place, the Police Service would not wish to make public to what extent.

Further to the above, referring back to the requirements of section 18, I also consider that it would be contrary to the public interest to reveal whether or not the information requested by you is held by Police Scotland and the considerations, for and against disclosing whether or not the information is held are as follows:

### Factors **favouring** disclosing whether information is held

Confirmation or denial of whether information is held may aid public debate on the techniques employed by Police Service as well as other agencies. Additionally the public are entitled to know how public funds are spent and resources distributed within a specific area of policing. In the current climate of cuts and with the call for transparency of public spending this would enable improved public debate.

By 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.

### Factors **against** disclosing whether information is held

Such information placed in the public domain, could highlight to those intent on acts of terrorism the scope of intelligence held and consequently confirm this would dramatically weaken the effectiveness of intelligence led policing. 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 any information, no matter how generic or statistical it appears to be.

By its very nature, information relating to the threat of terrorism is highly sensitive in nature. Under FOI(S)A there is a requirement to confirm what information is held. In some cases it is that confirmation, or not, which could disclose facts harmful to the monitoring of potential terrorism and in such cases Police Scotland takes advantage of its ability under FOI(S)A legislation to, where appropriate, neither confirm nor deny that the information requested is or is not held.

The number of people referred in each reporting period will be small and to identify their age and other details could lead to the identification of those referred to the programme.

Individuals who are referred to Prevent 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.

### **Balance Test**

A disclosure under Freedom of Information is a release of information to the world in general.

The Police Service will never disclose information which could undermine the partnership approach to combating terrorist activity across the UK and which could be used to undermine the effectiveness of such operations. Confirming or denying this information exists could lead to the loss of public confidence in Police Scotland's ability to protect the wellbeing of the community

The public also 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 any information that is released.

In this case, 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.

Any incident that results from confirmation or denial would, by default, affect national security.

*No inference should be taken from this response as to whether the information you have requested does or does not exist.*

### **3. The total number of people in Scotland referred to Prevent in the years 2019, 2020, 2021 and up to August 2022.**

In considering the calendar year format of the request, I must advise you that our response above i.e. Section 18 (NCND, Section 31(1) - National Security, Section 34(1)(b) – Investigations, Section 35(1)(a)&(b) - Law Enforcement and Section 39(1) - Health and Safety also applies here.

For clarity, the Scottish Prevent data is released in terms of financial year reporting period i.e. 2019/2020, 2020/2021 etc., published annually in November and is line with UK reporting periods and publication dates.

Accordingly, the 2021/22 data will be released this November and the 2022/23 data will be published in November 2023.

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

## OFFICIAL

[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.