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Our Ref: IM-FOI-2022-2394  
Date: 2<sup>nd</sup> 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.

### **During Operation Unicorn how many Forward Intelligence Team officers were deployed in Scotland and to what brief were they working?**

I can confirm that 1 Forward Intelligence Team (FIT) manager and 6 FIT officers were deployed in Scotland as part of the operation.

The brief for FIT officers was to work in line with the Gold strategy for the event.

### **How many surveillance logs were submitted as a result of Operation Unicorn and how many detected criminal activity and/or resulted in arrest?**

Having considered your request in terms of the Freedom of Information (Scotland) Act 2002, I am refusing to confirm or deny whether the information sought exists or is held by Police Scotland in terms of section 18 of the Act.

Section 18 applies where the following two conditions are met:

- It would be contrary to the public interest to reveal whether the information is held
- If the information was held, it would be exempt from disclosure in terms of one or more of the exemptions set out in sections 28 to 35, 38, 39(1) or 41 of the Act

In this instance, sections 35(1)(a)(b) and 39(1) apply in that the information you have requested relates to specific police tactics.

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

The information requested is exempt, as to confirm or deny the tactics employed by Forward Intelligence Team officers and in particular in regards to intelligence logs and detection of criminal activity would be likely to prejudice substantially the prevention or detection of crime and apprehension or prosecution of offenders. If details of Police Scotland's tactics were to be disclosed, experience has shown that it would allow those intent on committing crime or causing disorder to gauge the likelihood of detection or to take measures to negate the likelihood of detection. It would allow criminals to plan how

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best to engage or occupy existing police resources in an effort to maximise their chances of committing serious crime, therefore harming the efficient and effective conduct of the service.

Such information would prove extremely useful information for persons involved in criminality as they would be able to plan and conduct their activities to avoid detection. It would confirm what tactics Police Scotland employed in relation to a high profile event and provide an insight into police tactics and capabilities at future events of a similar scale. In turn this would prejudice substantially the ability for our officers to prevent and detect crime and apprehend or prosecute offenders.

Disclosure would have an adverse impact on the ability of the Police to carry out its law enforcement role effectively, and thereby prejudice substantially the prevention and detection of crime.

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

### **Section 39(1) – Health, safety and the environment**

Disclosure of the information requested would prove extremely useful for criminals and those intent on wrongdoing, to estimate the tactics employed by the Police and would assist them in circumventing the efficient and effective provision of law enforcement by the police service, which in turn would have an adverse impact on the safety of the officers involved and the general public.

This would increase the risk to the personal safety of individuals and also the safety of the police officers responding to incidents.

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

### **Public Interest Test**

As you will be aware, the two exemptions detailed above are non-absolute and require the application of the public interest test. Public awareness would favour disclosure as it would contribute to the public debate surrounding the tactics used by Police Scotland and therefore our capabilities. I accept that there is a large degree of public interest in this regard and in the way police resource high profile events and the tactics that are employed.

However, any disclosure under FOI legislation is a disclosure to the world at large and any information identifying the focus of policing activity could be used to the advantage of criminals.

Consequently, in terms of the applicability of the exemptions listed above, the need to ensure the effective conduct of the service in relation to prevention and detection of crime and the public safety considerations involved in the delivery of operational policing clearly favour non-disclosure of the information requested.

It is important to note that the UK faces a serious and sustained threat from violent extremists and this threat is greater in scale and ambition than any terrorist threats in the past. The police service has a duty to promote the safety of all individuals, and will not

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reveal any information that might jeopardise this goal. To provide details of tactics employed during high profile events is likely to place individuals at serious and increased risk.

Accordingly, I would argue that the need to ensure the efficient and effective conduct of the service favours non-disclosure of the information requested and on balance is significantly in the public interest. I cannot identify any corresponding viewpoint in disclosing the requested information and therefore the exemptions are upheld.

I must advise you that it is doubtful it could ever be in the public interest to disclose information which would jeopardise the delivery of policing and the safety of individuals and prejudice the prevention or detection of crime.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you 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.