

Our Ref: IM-FOI-2022-1040  
Date: 06 June 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 Jihadis who have returned from countries in the Middle East to Scotland in the last five years (2017 - 2022)**

I must advise you that the term 'Jihadis' is not a term recognised by Police Scotland to identify individuals or groups of individuals. For this reason I must respond in terms of Section 17(1) of the Act: Information not held.

**2. The number of these people who are facing prosecution in Scotland at the moment.**

In addition to the context at Q1 above, I must advise you that Police Scotland does not hold data regarding prosecutions and this is a matter for the Crown Office and Procurator Fiscal Service.

You may wish to make this request directly to the FOI Officer, Crown Office, 25 Chambers Street, Edinburgh, EH1 1LA.

**3. I would also like to know how many potential terrorists are currently being monitored in Scotland.**

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.

As such, 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 specific area of the UK and would enable those engaged in criminal or terrorist activity to 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.

### **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

#### **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.*

**4. I would also like to know how many of these potential terrorists are here on the Prevent programme.**

## OFFICIAL

If this question is presented as a follow up to Q3 above 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.

To be of some assistance and 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.

As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, 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.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible: "Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information".

I can confirm that the information requested 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/)

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.

The number of people referred in any given local area will be small and 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.

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.pnn.police.uk](mailto:foi@scotland.pnn.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.

## OFFICIAL

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.