

Our Ref: IM-FOI-2022-0999  
Date: 11 July 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.

Please accept our apologies for the delay in responding.

For ease of reference, your request is replicated below together with the response.

**For each of the financial years from 2015/16 to 2021/22 please provide the number of individuals you examined under Schedule 7 to the Terrorism Act 2000 broken down by ethnicity code.**

**Please also provide me with the key for the ethnicity codes you use (e.g. B1 = Black Caribbean).**

Section 53 of the Terrorism Act 2000 brought into effect Schedule 7 (as amended by the Anti-Terrorism Crime and Security Act 2001) which enables an examining officer to stop, search and examine a person at a port or in a border area to determine whether they are someone who is or who has been concerned in the commission, preparation or instigation of acts of terrorism.

All forces have the ability to apply these powers and when an encounter extends beyond a short period of time this process is commonly known as an examination.

Police Scotland's priority is to keep the people of Scotland safe and we are committed to providing an effective coordinated response to the terrorist threat by ensuring appropriate resources are engaged in partnership with communities and other agencies to stop people from becoming sympathetic to terrorists or supporting terrorism.

In relation to 2016/17, 2017/18, 2018/19 and 2020/21, the information sought can be found in the table below:

Ethnicity	2016/17	2017/18	2018/19	2019/20	2020/21
A1 - Asian - Indian	31	10	10	6	0
A2 - Asian - Pakistani	252	124	63	29	15
A3 - Asian - Bangladeshi	130	5	4	1	0
A9 - Asian - Any Other	410	444	303	191	19
B1 - Black - Caribbean	7	5	2	1	0
B2 - Black - African	118	79	44	28	24
B9 - Black - Any Other	61	38	31	14	0

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<b>Ethnicity</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
M1 - Mixed - White & Black Caribbean	3	3	1	0	0
M2 - Mixed - White & Black African	7	9	5	2	0
M3 - Mixed - White & Asian	4	14	3	0	0
M9 - Mixed - Any Other	52	66	29	23	6
O1 - Chinese	7	17	2	0	1
O9 - Any Other Ethnic Group	234	218	112	65	13
W1 - White - British	1312	812	220	54	14
W2 - White - Irish	542	411	67	47	5
W9 - White - Any Other	251	128	52	43	6
NS - Not Stated	0	0	0	85	43

In relation to 2015/16, the information sought is *no longer held* by Police Scotland in line with our record retention policies and section 17 of the Act therefore applies.

Police Scotland have carefully considered the recent appeal on this subject and the resultant Decision Notice from the Office of the Scottish Information Commissioner and are committed to openness and transparency as regards data on this subject matter.

In the interests of national security however, we have decided not to disclose data for the most recent 12 month period at any given time.

As such, in relation to April, May and June of 2021/22, the information sought can be found in the table below:

<b>Examinations by Ethnicity - April, May, June of 2021/22</b>															
A1	A2	A3	A9	B1	B2	B9	M1	M2	M3	M9	O1	O9	W1	W2	W9
1	0	0	2	0	0	0	0	0	0	0	0	2	0	0	0

In relation to the period July 2021 to March 2022, 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 exemptions that I consider to be applicable are set out at sections 31(1), 35(1)(a)&(b) and 39(1) of the Act.

It must be recognised that the international security landscape is increasingly complex and unpredictable and the UK faces a sustained threat from violent terrorists and extremists.

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The provision of data would provide a clear insight as to the level of policing activity in Scotland and, consequently, the remainder of the UK, which would enable those engaged in criminal activity to use this information to their advantage and plan an attack on the more vulnerable parts of the UK.

This is particularly relevant where data requested is for a recent period of time.

Clearly disclosure would adversely affect public safety and have a negative impact on both national security and law enforcement.

I can confirm that I have considered the public interest with regards disclosure of the information requested and I am of 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 activity and ultimately, keeping people safe from harm is paramount.

Security measures are put in place to protect the communities that we serve. As additional information is disclosed over time, a more detailed account of the tactical infrastructure of not only a force area such as Scotland, but also the UK as a whole, will emerge.

The risk of harm to the public would be elevated if areas of the UK which appear vulnerable were identified, potentially providing the opportunity for terrorist planning.

On balance, I consider that the public interest in disclosure does not outweigh the public interest in maintaining the exemptions.

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.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.

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.