

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 23 November 2022

Public Authority: Commissioner of Police of the Metropolis
Address: New Scotland Yard
Broadway
London
SW1H 0BG

Decision (including any steps ordered)

1. The complainant has requested 'Prevent' data from the Metropolitan Police Service (the "MPS"). The MPS refused to provide the requested information, citing sections 24(1) (National security) and 31(1)(a) and (b) (Law enforcement) of FOIA.
2. The Commissioner's decision is that the MPS was entitled to rely on section 24(1). No steps are required.

Request and response

3. On 26 October 2021, the complainant wrote to the MPS and requested information in the following terms:

"I would like to request a breakdown of the annual figures for the number of individuals referred to the government's Prevent scheme by the Met police.

- I would like figures that start on 1 January 2015 and are as up to date as possible (including information from 2021)
- I would like the data to be broken down by year
- For each year I would like to know the number of individuals referred broken down by "reason for concern" (such as far right radicalism, Islamic radicalism, radical environmental/animal rights ideology)

I would like the data to be provided to me in Excel format”.

4. On 10 November 2021, the MPS responded. It refused to provide the requested information, citing sections 24 (it was unclear whether this was subsection (1) or (2)) and 31(1)(a) and (b) of FOIA.
5. The complainant requested an internal review on 23 November 2021.
6. The MPS provided an internal review on 16 December 2021, in which it maintained its position, clarifying reliance on sections 24(1) and 31(1) (a) and (b).

Scope of the case

7. The complainant contacted the Commissioner on 17 December 2021, to complain about the way his request for information had been handled. He said:

“I stand by my assertion that: ‘High numbers of referrals do not relate directly to ‘robust’ management of ‘Prevent’. the referral numbers will be the result of a complex mix of factors. one of the key factors will be prevalence of extremist ideology in the area’.

... I am not claiming that terrorists lack motivation to gain intelligence - I am saying that it is impossible for terrorists to gain intelligence about the regions with the most ‘robust’ management of ‘Prevent’ from the data I have requested”.

8. The Commissioner required further information from him which was provided on 25 March 2022.
9. The complainant asked the Commissioner to consider the application of exemptions to the request. The Commissioner will consider these below.

Reasons for decision

Section 24 – National security

10. The Commissioner has previously considered complaints regarding requests for data held under the Prevent programme. These include a

similar request made to Essex Police, which was dealt with under reference FS50614258¹.

11. Section 24(1) of FOIA states that information is exempt if it is required for the purpose of national security.
12. National security means the security of the United Kingdom and its people. FS50614258 includes a detailed analysis on the application of section 24(1); the Commissioner doesn't deem it necessary to replicate that analysis here.
13. Case FS50614258 concerned a request for referrals from various geographic areas over a 5 year period and included numbers of referrals due to radicalisation, as well as other related matters. The Commissioner considers that this earlier case concerns similar data to what is being requested here.
14. In the Commissioner's view, the arguments and principles applied in that case apply directly to this case and he has therefore not included any further analysis here. Those views are further reflected in the detailed responses which the MPS has already provided to the complainant.
15. In the Commissioner's opinion there is an obvious and weighty public interest in the safeguarding of national security. In the particular circumstances of this case the Commissioner agrees with the MPS that it would be firmly against the public interest to undermine the Prevent programme.
16. The Commissioner recognises that section 24 is not an absolute exemption and therefore there may be circumstances where the public interest favours disclosure of information which engages this exemption. However, in the Commissioner's opinion, and having considered any arguments put forward by the complainant, the public interest in disclosing the withheld information is outweighed by that in maintaining the exemption in this case.
17. In light of this decision, the Commissioner has not gone on to consider the MPS' reliance on section 31 of FOIA.

¹ https://ico.org.uk/media/action-weve-taken/decision-notices/2016/1624043/fs_50614258.pdf

Right of appeal

18. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

19. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
20. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Carolyn Howes
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