

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 23 November 2023

**Public Authority:** Home Office  
**Address:** 2 Marsham Street  
London  
SW1P 4DF

### Decision (including any steps ordered)

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1. The complainant requested information about extreme right-wing terrorism terminology. The Home Office disclosed some information but withheld the remainder, citing sections 23(1) (information supplied by, or relating to, bodies dealing with security matters), 24(1) (national security) and 35(1)(a) (the formulation or development of government policy) of FOIA.
2. The Commissioner's decision is that the Home Office was entitled to rely on section 23(1) to withhold the disputed withheld information.
3. The Commissioner requires no steps to be taken as a result of this decision.

### Request and response

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4. On 16 November 2022, the complainant wrote to the Home Office and requested information in the following terms:

“Parliament's Intelligence and Security Committee (ISC) published a report in July 2022, entitled 'Extreme Right-Wing Terrorism'. The report stated that the ISC had been told that there had been a review of terminology in May 2021 to examine whether the term 'Right-Wing Terrorism' was the correct one to use amid concern that it was stigmatising those who hold mainstream right-wing political views.

Under the FOI act, please provide the following:

1. Who initiated the review, when did the review conclude and at what point (by date) was the term 'Extreme Right-Wing' (ERW) Terrorism' adopted within government in place of previous terms?
2. What entities made submissions to the review (eg.. The Metropolitan Police, MI5, MI6, The Home Office's Extremism Analysis Unit)
- 3 According to the ISC, the review "examined 40 options to identify credible alternatives that would primarily be operationally viable, accurate as a descriptor of the threat we face, and clearly understood by the general public". What were the 40 options?
4. For the period when the review was carried out, please provide copies of the submissions by :
  - The Home Office Extremism Analysis Unit
  - The CONTEST Unit (which coordinated the review)
  - The Home Office Research, Information and Communications Unit
  - Home Office Analysis and Insight
  - JTAC
  - Counter-terrorism Policing Headquarters".
5. The Home Office responded on 1 December 2022. It responded to Q1 and provided some information within the scope of Q2. It refused to provide the remaining requested information, citing sections 23(1) (information supplied by, or relating to, bodies dealing with security matters), 24(1) (national security) and 35(1)(a) (formulation of government policy).
6. The complainant requested a review of the Home Office's handling of Q3 and Q4.
7. Following an internal review of its handling of those parts of the request, the Home Office wrote to the complainant on 21 April 2023. It maintained its view that the exemptions at sections 23(1), 24(1) and 35(1)(a) of FOIA are engaged and that, where applicable, the public interest lies in favour of non-disclosure.

## Scope of the case

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8. The complainant disputes the application of exemptions to the information in scope of Q3 and Q4. They told the Commissioner:

“Information sought was not provided. I believe that exemptions were misapplied. There was and is a public interest in releasing the information sought - at least in a redacted form”.
9. The Commissioner recognises that the complainant considers that his request is focused on the use of terms and language to describe the extremism landscape and that information within the scope of the request could be provided, with suitable redactions applied. In that respect, the complainant explained to the Home Office:

“No details of individuals, individual plots or investigations are sought. Again, redactions can and should be applied”.
10. In its submission to the Commissioner, the Home Office confirmed its view that the information in scope of both Q3 and Q4 engages section 23(1) and section 24(1) of FOIA. It also confirmed that it considers that section 35(1)(a) is engaged on the basis that information in scope of Q3 relates to the formulation or development of government policy.
11. With respect to section 23(1), it clarified that section 23(1) is engaged for all the information withheld.
12. The Home Office additionally cited section 40(2) (personal information) of FOIA on the basis that the requested information contains the names and contact details of individuals.
13. The Commissioner viewed the withheld information during the course of his investigation.
14. The following analysis explains why the Commissioner is satisfied that the Home Office was entitled to apply section 23(1) to withhold the disputed requested information – namely all the information in scope of Q3 and Q4 of the request.

## Reasons for decision

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### Section 23 security bodies

15. The Home Office is withholding the information in scope of Q3 and Q4 of the request on the basis of section 23(1) of FOIA, which states that:

“Information held by a public authority is exempt information if it was directly or indirectly supplied to the public authority by, or relates to, any of the bodies specified in subsection (3)”.

16. To successfully engage the exemption at section 23(1), a public authority needs only to demonstrate that the relevant information was directly or indirectly supplied to it by, or relates to, any of the bodies listed at section 23(3).
17. This means that if the requested information falls within this class it is absolutely exempt from disclosure under FOIA. There is no requirement on the public authority to demonstrate that disclosure of the requested information would result in some sort of harm and the exemption is not subject to the public interest test.
18. The Commissioner has considered the wording of the request and the Home Office’s submission in this case. He has also examined the information which the Home Office has sought to withhold on the basis of section 23(1) of FOIA. He is satisfied that the information was either supplied by, or relates to, the security bodies listed in section 23(3) of FOIA<sup>1</sup>. Such information is therefore exempt from disclosure on the basis of section 23(1) of FOIA. The Commissioner cannot elaborate on this finding without revealing the content of the information which has been withheld on the basis of this exemption.

### **Other exemptions**

19. As the Commissioner is satisfied that section 23 applies to the withheld information in scope of Q3 and Q4, in its entirety, it has not been necessary to consider the application of the other exemptions cited by the Home Office.

### **Other matters**

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20. The Commissioner cannot consider the amount of time it took a public authority to complete an internal review in a decision notice because such matters are not a formal requirement of FOIA. Rather, they are matters of good practice which are addressed in the code of practice issued under section 45 of FOIA which suggests that internal reviews should be responded to within 20 working days, and if complex it is best
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<sup>1</sup> A full list of the bodies detailed in section 23(3) is available here: <https://www.legislation.gov.uk/ukpga/2000/36/section/23>

Reference: IC-231085-S5Z3



practice for any extension to be no longer than a further 20 working days.

## Right of appeal

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21. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

22. 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.

23. 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 .....**

**Gerrard Tracey  
Principal Adviser  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**