

**Information Governance Unit
Information Management Branch**

28 August 2008

Dear XXXX,

FREEDOM OF INFORMATION REQUEST REFERENCE NO: XXXX

I write in connection with your request for information dated 22/07/2008, which was received by Greater Manchester Police on 22/07/2008, for the following information:

- Statistics of people who have been arrested under the Terrorism Act and under other terrorism legislation. The information I require is from 1978, until present day in calendar years for the whole of the Greater Manchester Policing area, ideally to encompass the recent change in the law to hold terrorism suspects for 42 days.

Your request has been interpreted as referring to the number of people each force has arrested for offences under the Terrorism Act 2006. There is no actual power of arrest under the Terrorism Act 2006. The power of arrest would come either from the Terrorism Act 2000 or from the Police and Criminal Evidence Act (PACE) 1984.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon section 17 of FOIA requires that we provide the applicant with a notice which: a) states that fact b) specifies the exemption(s) in question and c) states (if that would not otherwise be apparent) why the exemption applies.

Greater Manchester Police, can neither confirm nor deny that it holds information relevant to your request as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions.

Section 24(2), which is a prejudiced based and qualified exemption and relates to National Security.

Section 30(3), which is class based and qualified exemption and relates to Investigations.

Section 31(3), which is a prejudiced based and qualified exemption and relates to Law Enforcement.

Section 38(2), which is a prejudiced based and qualified exemption and relates Health and Safety.

This refusal should not be taken to mean that the information you have requested exists or does not exist.

In line with Section 17(1) of FOIA, it is required that I articulate the public interest considerations for the use of the following exemptions: 24, 30, 31 and 38.

In so far as section 24(2) 30(3) S31(3) and S38(2) apply, I am satisfied that the balance of public interest lies in maintaining the exclusion of the duty to confirm whether information is held by Greater Manchester Police in relation to your request.

Whilst there is a public interest in the transparency of policing operations and in this case providing assurance that the police service are appropriately and effectively engaging with the threat posed by terrorist attack, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in the highly sensitive area of terrorism prevention. To confirm or deny that this level of policing activity has or has not occurred in any specific area would enable those engaged in criminal or terrorist activity to identify the focus of policing activity across the UK. For example, to state that no information is held in one area and then exempt information held in another would itself provide acknowledgment that anti-terror arrests have been made at that second location. This would have the likelihood of identifying location-specific operations, enabling individuals becoming aware of whether or not their activities have been detected, and ultimately compromising police tactics, operations and future prosecutions. Any information identifying the focus of anti-terror policing activity could be used to the advantage of terrorists or criminal organisations. 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.

As much as there is public interest in knowing that policing activity is appropriate and balanced in matters of National Security this will only be overridden in exceptional circumstances.

To comply with s16 of the Act in providing assistance, you may find the following website useful in your research.

<http://security.homeoffice.gov.uk/news-publications/news-speeches/Lord-Carlile-Reports>

Complaint Rights

Your attention is drawn to the attached sheet, which details your right of complaint.

Yours sincerely,