

**Information Governance Unit
Information Management Branch**

XXXX

6th July 2010

Dear XXXX

FREEDOM OF INFORMATION REQUEST REFERENCE NO: XXXX

I write in connection with your request for information dated 24/05/2010, which was received by Greater Manchester Police on 25/05/2010. I note you seek access to the following information:

Please could you provide me with the following information in relation to Schedule 7 of the Terrorism Act 2000:

- (a) whether or not this police force records stops under this power and if so what type of stops are they?**
- (b) whether or not the ethnicity of such individuals are also recorded**
- (c) breakdown of the number of people stopped and their ethnicity since records began.**
- (d) number of people for whom fingerprints or DNA samples have been recorded .**

Following receipt of your request searches were conducted within Greater Manchester Police to locate information relevant to your request. I can confirm that the information you have requested is held by Greater Manchester Police, (GMP).

Responses

A – Yes, GMP does record examinations under this power because police forces are required to record Schedule 7 examinations in certain circumstances. The information recorded is Schedule 7 examinations – of which further details can be found within the links, given below, to the Codes of Practice and the NPIA documents.

It should be noted that in response to this part of your request the correct terminology of ‘examination’, not ‘Stop’, has been used.

B – Yes, the ethnicity of individuals is recorded.

In relation to questions C and D, section 17 of the Freedom of Information Act 2000 requires Greater Manchester Police, when refusing to provide such information (because the information is exempt) to provide you, the applicant, with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemptions applicable to the information are- Section 24(1) – National Security, Section 31(1)(a)(b)(c) – Law Enforcement and Section 38(1)(a)(b) – Health & Safety.

Evidence of Harm

The terrorist threat to Greater Manchester, the North West of England and indeed the UK remains very real, at the time of writing the terrorism threat level is Severe, second highest to Critical. This threat has been evident for many years, as demonstrated in the following link:

<http://news.bbc.co.uk/1/hi/england/3642672.stm>

As with all ports into the UK, Manchester Airport has had much media attention regarding terrorist scares over recent years, the following are a couple of examples:

<http://www.dailymail.co.uk/news/article-1245390/Breaking-News-UK-terror-threat-raised-severe.html>

<http://news.scotsman.com/uk/Terrorist-suspects-arrested-as-police.4394854.jp>

To disclose the data requested in questions C and D would enable those individuals intent on terrorist activity to 'map' perceived vulnerable areas within Greater Manchester and to compare them with other police forces. The requested data, if released, would enable individuals to make comparisons regarding the number of schedule 7 examinations at various ports within Greater Manchester and the North West, for example Manchester Airport, Liverpool John Lennon Airport and the Liverpool Docks. The threat by sea cannot be overlooked and, again, is taken extremely serious as can be seen in the following two articles:

<http://www.guardian.co.uk/politics/2010/mar/22/security-centre-scan-terrorism-threats-sea>

<http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/7500719/Nuclear-terror-risk-to-Britain-from-al-Qaeda.html>

This comparison would give individuals intent on criminal and/or terrorist activity an advantage over GMPs counter terrorist and policing capabilities, allowing them to target those areas perceived as having greater vulnerability, ultimately increasing the risk to the people of Greater Manchester from terrorist attack.

Public Interest Test

To disclose the requested data would give the public a better understanding of the use of public funds by GMP in counter terrorist measures. This would result in better public awareness, enabling them to take steps to protect themselves, ultimately increasing the flow of information from the public to GMP, therefore helping to reduce crime.

The risk of harm to the public would increase by the disclosure of the data sought in questions C and D as individuals would be able to compare the capability of GMP against other police forces and target perceived vulnerable areas. This would lead to any ongoing or future counter terrorist operations to be compromised, increasing the likelihood of further crime being committed and hindering GMPs law enforcement tactics. Ultimately this would impede on ongoing and future operations to protect the security of Greater Manchester and the UK.

Balance Test

The security of the public is of paramount importance to GMP and the force will not disclose data, within a Freedom of Information request, if to do so undermines that security. Schedule 7 and other counter terrorist measures are high profile, sensitive issues and are of intelligence value to terrorists. Therefore at this time it is decided that the information requested in questions C and D is refused via the exemptions and evidence quoted above.

In compliance with Section 16 – the duty to provide advice and assistance – of the Act, please note the following:

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 has been concerned in the commission, preparation or instigation of acts of terrorism. All UK police forces have the ability to apply these powers.

The use of these powers by the police is an operational matter for each individual force. However, the statutory Code of Practice for Examining Officers (please see the following link) provides guidance on the application and interpretation of these powers.

<http://tna.europarchive.org/20100419081706/http://security.homeoffice.gov.uk/news-publications/publication-search/legislation/terrorism-act-2000/Code-of-Practice-for-Examin1.pdf?view=Binary>

The revised Code that came into effect on 2nd July 2009, explains that examining officers must use the powers proportionately and in such a way as to minimise causing embarrassment or offence to the individual being questioned or examined. The Code also states that the powers to stop and question a person should not be exercised in a way that unfairly discriminates against a person on the grounds of age, race, colour, religion, creed, gender or sexual orientation. Also provided is a link to the NCP&P document entitled 'Practice advice on Schedule 7 of the Terrorism Act 2000' which provides greater detail on the use of this legislation.

http://www.npia.police.uk/en/docs/Schedule_7_of_the_Terrorism_Act_2000.pdf

Complaint Rights

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

Should you have any further inquiries concerning this matter, please write or contact me on telephone number 0161 856 2529 quoting the reference number above.

Yours sincerely

Information Access Officer

COMPLAINT RIGHTS

Are you unhappy with how your request has been handled or do you think the decision is incorrect?

You have the right to require Greater Manchester Police to review their decision.

Prior to lodging a formal complaint you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

Ask to have the decision looked at again –

The quickest and easiest way to have the decision looked at again is to telephone the case officer that is nominated at the end of your decision letter.

That person will be able to discuss the decision, explain any issues and assist with any problems.

Complaint

If you are dissatisfied with the handling procedures or the decision of Greater Manchester Police made under the Freedom of Information Act 2000 regarding access to information, you can lodge a complaint with Greater Manchester Police to have the decision reviewed.

Complaints should be made in writing and addressed to:

Corporate Information Manager
Greater Manchester Police
Police Headquarters
Chester House
Boyer Street
Manchester
M16 0RE

The Information Commissioner

After lodging a complaint with Greater Manchester Police if you are still dissatisfied with the decision you can make an application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make an application to the Information Commissioner please visit their website at www.informationcommissioner.gov.uk. Alternatively, phone or write to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Phone: 01625 545 700