

Our ref: 01/FOI/24/012616/H

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 01/FOI/24/012616/H

I write in connection with your request for information dated 13/05/2024, received by Greater Manchester Police (GMP) for the following information:

Can you please give details on the expenses you faced and staff hours used up after a visit from Anne Windsor on 10th May 2024? (Catch22 + East Community Boat Project)

This could include:

- police/security costs***
- staff overtime***
- cleaning***
- emergency planning***
- cctv***
- communications***
- parking***
- other costs***

Result of Searches

Greater Manchester Police can neither confirm nor deny whether it holds the information that you requested as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 (the Act) does not apply by virtue of the following exemptions:

Section 24(2) - National Security

Section 31(3) - Law Enforcement

Section 38(2) - Health & Safety

Section 40(5) - Personal Information

To confirm or deny that GMP provided security for the Princess Royal and any resultant costs were incurred could undermine the safeguarding of national security, allowing those with a criminal intent to gain an operational advantage over GMP and place those who are afforded protection, protection officers and members of the public at risk. As such, **Sections 24(2), 31(3) and 38(2) of the Act are**

engaged.

Section 40(5) is engaged as to confirm or deny that information exists would be revealing personal information about specific individuals, thereby breaching the Data Protection Act.

Please note this response should not be taken to as an indication of whether or not the requested information is held.

Overall Harm for Sections 24, 31 and 38

FOIA is a release to the world as once the information is published the public authority in this case GMP has no control over what use is made of that information. Whilst not questioning the motives of the applicant it could be of use to those who seek to cause harm to any person in receipt of protection or security for whatever reason. To confirm or deny that GMP is or is not protecting or has afforded security to certain individuals would enable those who sought to threaten the safety of such individuals to calculate who was most at risk and whom was in receipt of some type of protection.

The effect of this information being available to the applicant, and more importantly those who might wish to cause harm to those in receipt of protection, and these could include terrorists, criminals and fixated individuals, would be detrimental to those in receipt of protection.

To ensure that those in receipt of protection/security are not subject to additional threat and to ensure the safety of the members of the public attending events, where these individuals are present, would require a review and in all likelihood an increase in the number of protection officers employed and a full review of the protection arrangements. This would increase the costs to the public purse.

To confirm or deny whether information is held for specific individual(s), could be used over a period of years to try and work out how resources are allocated. This could be then used to gain an understanding of how much security and the number of officers are allocated to those who may or may not be receiving protection.

Those with the necessary criminal intent, inclination and capacity could use the information (especially if provided over a period of years) to begin to try and map costs for protection across forces. This would then provide them with an operational advantage over GMP and other forces as the information can indeed be viewed as operational 'intelligence' and operationally sensitive.

To confirm or deny that protection or security is or has been afforded to any other individual, other than those which have been publicly stated by GMP, would have a negative effect on the safety of those being protected, should the release of information be used and manipulated to try and attack the protected individuals and establishments, for example through mapping protection across forces.

To confirm or deny that this protection exists may lead to an attack on establishments within locations where one force is viewed to lower costs per year on protection, as these locations may be viewed as a 'weak/vulnerable target' with less policing resources allocated to protection duties. Such an occurrence would harm individuals as well as result in the allocation of additional policing resources due to a FOI disclosure.

It remains the case that the publication of any information relating to an individual who might or might not receive protection/security could potentially lead to harm to that individual, particularly if that information relates to the security arrangements for that individual or formed any part of a protection package that might or might not be provided. Disclosure of these figures damages the need to ensure protection arrangements remain covert, purely in the interests of operational sensitivity.

It is important to note that the UK does face a serious and sustained threat from violent extremists and

this threat is greater in scale and ambition than any of the terrorist threats in the past. Government reports suggest that at any one time the police and security agencies are contending with many terrorist plots, terrorist groups or networks and individuals who are judged to pose a threat to the well-being of the UK and or UK interests. While the plots may not necessarily all be directed at attacks on the protected individuals, GMP bear in mind that an attack on members of government or significant individuals afforded protection would be of national significance to our country. To provide the cost figure regarding security arrangements for protected establishments and individuals is likely to place them at serious risk due to their prominence across the globe.

As previously explained above, in this current environment of an increased threat of terrorist activity, confirming or denying that information is held that could assist an extremist faction would undermine the safeguarding of national security.

ICO guidance emphasises there is no definition of national security and refers to the Information Tribunal (EA/2006/0045) who summarised:

- “National security” means the security of the United Kingdom and its people;
- The interests of national security are not limited to actions by an individual which are targeted at the UK, its system of government or its people;
- The protection of democracy and the legal and constitutional systems of the state are part of national security as well as military defence;
- Action against a foreign state may be capable indirectly of affecting the security of the UK;
- Reciprocal co-operation between the UK and other states in combating international terrorism is capable of promoting the United Kingdom’s national security.

The ICO guidance also states ‘safeguarding national security also includes protecting potential targets even if there is no evidence that an attack is imminent...the Commissioner also recognises terrorist can be highly motivated and may go to great lengths to gather intelligence. This means there may be grounds for withholding what seems harmless information on the basis that it may assist terrorists when pieced together with other information they may obtain.’

Based on this definition national security encompasses a wide spectrum and it is our duty to protect the people within the UK. Public safety is of paramount importance to the policing purpose and must be taken into account in deciding whether to disclose any requested information.

Public Interest Test

Factors favouring confirmation or denial for S24 – The information simply relates to national security and disclosure would not actually harm it. Confirming or denying that the information is held would allow individuals to contribute to more accurate public debate on matters that are of public relevance - in this case information pertinent to protection and the use of public funds.

Factors against confirmation or denial for S24 – By confirming or denying any policing arrangements, which refer to the personal protection or security arrangements of specific individuals, would render security measures less effective. Personal protection is provided by GMP to a number of people where it is in the national interest or where intelligence (information) suggests protection is necessary. Specific protection arrangements are applied in order to safeguard national security by ensuring that appropriate safety and security is provided to key figures such as the King and the Prime Minister. The disclosure of any other information would ultimately increase the risk of harm to those afforded personal protection and to the general public within that vicinity.

Persons/groups would be able to ascertain which individuals GMP considers to be currently at most harm, and therefore which threats or campaigns to undermine UK security the police believe to be most pertinent.

Factors favouring confirmation or denial for S31 – Confirming or denying whether information is held in relation to protection would allow the public to see where public funds are being spent. Better public awareness may assist to reduce crime or lead to more information from the public.

Factors against confirmation or denial for S31 – Confirming or denying that any information is held in relation to the security or protection of individuals would lead to law enforcement tactics being compromised which would ultimately hinder the prevention and detection of crime. Security arrangements and tactics are re-used and have been monitored by criminal groups, fixated individuals and terrorists. Protection is provided in a number of forms after careful evaluation of the threat and risks posed to those individuals by operational experts in this field of policing. It therefore follows that anything that would negate the benefits of that protection would place individuals at risk. This would be the individuals receiving protection, the police officers providing the protection and any member of the public in the vicinity of the principal.

To confirm or deny that an individual(s) is in receipt of protection or security would allow anyone to review their activities and thus ultimately calculate how many officers had been assigned to protect that individual. This would then again place the individual and officers at risk in the event that they were targeted by criminals/terrorists.

Factors favouring confirmation or denial for S38 – The public are entitled to know what areas of criminal activity the police service allocate public funds therefore by confirming or denying the provision of protection or security, would lead to better informed public awareness and debate. Confirmation or denial would assist communities to be more aware of the level of protection afforded to them.

Factors against confirmation or denial for S38 – Confirming or denying that information is held in relation to the protection or security of any individual would have the effect of increasing the threat to those individuals who are in receipt of protection and in addition to those who do not receive protection and might therefore appear to be soft targets. The risks to individuals are significant as evidenced and there would be a loss of confidence in the Police Service to protect the well-being of the community. Furthermore, if an individual/group decides to counter the protection arrangements and target an individual, members of the public within the vicinity could be exposed to either physical or psychological harm.

Overall Balance Test

The security of the country is of paramount importance and the Police Service will not divulge whether information is or is not held if to do so would place the safety of an individual at risk or undermine National Security. Whilst there is a public interest in the transparency of policing operations and providing assurance that the police service is appropriately and effectively engaging with the threat posed by a potential attack on a VIP, there is a very strong public interest in safeguarding both national security and the integrity of police operations in the highly sensitive area of personal protection.

The public interest is defined not as what the public might find interesting but there must be some tangible benefit to the public in the disclosure of the interest. In this case whether the request is confirmation or denial of who is in receipt of protection, the net result of publishing that information would be that a review would need to be conducted, plans changed to ensure that the threat level was effectively challenged and development of a new protection plan that would in all likelihood require additional resources to be provided and probably the extension of protection to those who had not been in receipt of it before the release of the requested information.

After weighing up the competing interests I have determined that to confirm or deny that we hold the requested information would not be in the public interest. GMP considers that the benefit that would result from the information being disclosed, does not outweigh the harm arising from disclosing information relating to who is provided with protection.

Section 40 – Personal Information

Section 40(5A)&(5B)(a)(i) of the Act provides:

(5A) The duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1).

(5B) The duty to confirm or deny does not arise in relation to other information if or to the extent that any of the following applies—

(a) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a)—

(i) would (apart from this Act) contravene any of the data protection principles.

<http://www.legislation.gov.uk/ukpga/2018/12/schedule/19/paragraph/58#schedule-19-paragraph-58-2-b>

Section 40 of the Freedom of Information Act 2000 is designed to address information that is covered by the Data Protection Act 2018.

Under section 40(5), GMP is not required to comply with the requirements of section 1(1) (a) i.e. the duty to inform the applicant whether or not the information is held.

In most cases Personal Data is exempt from disclosure under the Freedom of Information Act as I will explain below.

To confirm or deny whether personal information exists relating to security or protection arrangements could publicly reveal information about an identifiable individual or individuals, thereby breaching the right to privacy afforded to persons under the Data Protection Act (DPA) and the General Data Protection Regulation (GDPR) 2018.

Where an individual is requesting his or her own personal data the information is always exempt. Such information can be requested under other legislation.

Where an individual is requesting third party personal data GMP must ensure that any action taken adheres to the principles of the Data Protection Act 2018 and the GDPR. To clarify, the Freedom of Information Act only allows disclosure of personal data if that disclosure would be compliant with the principles for processing personal data. These principles are outlined under section 34 of the DPA 2018 and under Article 5 of the GDPR.

Section 40 is a class based absolute exemption and there is no requirement to consider the public interest in this case. Confirming or denying whether any information is held would likely identify individuals and therefore breach the Data Protection Act.

No inference can be drawn from this refusal that information is or is not held.