



Freedom of Information Request Reference N^o: FOI 000262-18

I write in connection with your request for information received by Suffolk Constabulary on the 17 January 2018 in which you sought access to the following information:

“Armed police deployment at Bury St Edmunds Christmas Fayre 2017:

- 1. The correspondence which led to this deployment. I.e. who initiated the use of the armed resources? How was it responded to? What layers of decision making were involved?*
- 2. How was this funded? And again correspondence related to.*
- 3. How was the National Decision Model for Armed Deployment followed including all records which should show, for instance, how the threat assessment was made (“The aim is to protect the public by the most appropriate method, balancing the risk of harm to the public in both the short and longer term.”); the community impact assessment which was undertaken etc.*
- 4. How the impact of the deployment was subsequently assessed for effectiveness/cost/impact etc.*

*To be clear, I am asking for **all records which relate to the request, decision making, and subsequent analysis** of the armed deployment at the Fayre.”*

Response to your Request

The response provided below is correct as of 17 January 2018

Suffolk Constabulary has considered your request for information and the response is below.

1. The decision to deploy armed policing followed a recognised process for occasions where Police are notified of a public event. The joint Operational planning team carry out a formal assessment using a recognised risk assessment matrix, which continued throughout the planning and implementation of the operation. The results of the recommendations were presented to the gold Commander to consider, which formed the basis to authorise the deployment of armed Police at the event.

The attached documents include information relating to the decision making.

- Counter Terrorism Security Coordinators Plan

- Silver Tactical Plan
- Tactical Firearms Commanders Policy File and Decision Log
- Operation Porridge Operational Order
- Gold Strategy
- Public Order Incident Command Log

Specific information concerning the decision making process itself have not been provided as a result of exemptions within the Act.

2. The deployment of armed police officers was funded by the Constabulary, as the principle reason for deploying armed officers was to protect the general public in a crowded place. Therefore there is no correspondence held in respect of cost recovery.
3. Documents have been provided as attached, however the threat assessments have not been disclosed, along with the rationale for such as a result of exemptions within the Act.
4. The Constabulary consulted extensively with local councillors and businesses, all of whom were notified in advance of the change in policing stance, specifically to the move to a more overt armed policing presence. No adverse comments have been received in relation to our consultation.

A counter terrorism briefing was held and local businesses were invited as well as those involved in stewarding and security. At the meeting, an overview of the policing operation was delivered and reference made to the uplift in armed policing, with no concerns raised.

Locally, businesses were also personally visited by the local Safer Neighbourhood Team (SNT) and advice provided including notification of the policing operation, which was supplemented by a media release for which we received coverage, including television.

Post event, a number of de-briefs took place with police, organisers and council led. The minutes of which are currently not held however, the Councillors and event organisers deemed the operation a success from an effectiveness and impact perspective. Although the minutes are not held, an email extract has been transposed below:

The 2017 event was very much heralded as a success with headcount at 135000 for the 4 days with street footfall for the Arc up 7.3 5 on 2016. From a Police perspective we highlighted the key debrief points that had already been fed back to the local officials

All 3 councillors present passed on their appreciation for the level of the police presence and the manner all staff had conducted themselves and stressed that this was the perfect balance and afforded the right level of reassurance to the general public. The media strategy



in advance by the council supported by Police was also raised as being key shaping public expectations and providing reassurance. From all those present at the meeting many had extensively engaged with and spoken to many people especially the councillors who were highly complementary on the work that had gone in and the support by the Constabulary. Recognising that this was a big event for the local economy and brought people to the town from outside of the region. It was commented that the experience of those visiting the fayre being so positive was likely to entice people back to the town at other times of the year which was fantastic for the local economy.

The overwhelming consensus from the participants at the meeting was that the policing of the 2017 event was the perfect balance offering the right level of visibility including armed officers but was not oppressive at all. All acknowledge the event of late 2016 in Europe and early 2017 in the UK influenced public expectations, fears and attitudes and the policing operation for the 2017 was spot on for the BSE event totally proportionate and a positive engagement all round. As I discussed with yourself Monday, they could not have been more positive in what the Constabulary did and how it was delivered by those attending over the 4 days.

In respect information relating to question 1 and 3 that has been redacted from disclosure, section 17 of the Freedom of Information Act 2000 requires that Suffolk Constabulary, when refusing to provide such information (because the information is exempt) are to provide you the applicant with a notice ban 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(s) applies.

The information is exempt from disclosure by virtue of the following exemptions;

Section 40(2)(a)(b) – Personal Information, by virtue of Section 40(3)(i)
Section 24(1) – National Security
Section 31(1)(a)(b) – Law Enforcement

Section 40(2) is an absolute exemption and applies to third party personal data. This would not be released under the FOIA unless there is a strong public interest. This is because any release would breach Data Protection Principles contained within the Data Protection Act 1998.

One of the main differences between the Data Protection Act and the Freedom of Information Act is that any information released under FOI is released into the public domain, not just to the individual requesting the information. As such, any release that identifies an individual through releasing their personal data, even third party personal data, is exempted unless there is a strong



public interest in its release. The public interest is not what interests the public but what benefits the community as a whole.

Personal data is defined under the Data Protection Act 1998 as data that is biographical in nature, has the applicant as its focus and/or affects the data subject's privacy in his or her personal, professional or business life.

The first Data Protection principle states that information must be processed fairly and lawfully, and that at least one condition of schedule (2), and in the case of personal sensitive data, schedule (3) are met. Although names redacted from the disclosure will be of a professional capacity, we do still need to assess whether their roles are of a sufficiently high enough rank, or are within a public facing role, to ensure it is none-the-less fair to disclose their information into the public domain. Certain roles will also be within a sensitive area of policing and events planning, which will require some caution as to whether it would be appropriate to disclose their name in association with this area of policing.

In balancing these considerations, we have concluded that it is not fair, in all the circumstances, to disclose the redacted individual's names in correlation with this information.

This is an absolute, class-based exemption and, as such, there is no requirement for the public interest test.

Section 24 and 31 are qualified, prejudice-based exemptions and I am therefore obliged to provide evidence of harm and a public interest test.

Harm in disclosure

Disclosure of information under the Freedom of Information Act 2000 (FOIA) is considered to be a release to the world, as once the information has been published on the Disclosure Log pages of the Constabulary's external website; the Constabulary has no control over access to that information. Whilst not questioning an applicant's motive for requesting information, it could be of use to persons who are involved in criminal activity, including terrorism related activity.

Although there is a call for openness and transparency, this needs to be balanced against the harm in disclosure of the requested information. The Police Service has a clear responsibility to prevent and detect crime and disorder and to protect the communities we serve.

The prevention and detection of crime is the foundation upon which policing is built and the threat from terrorism cannot be ignored. It is generally recognised in this current environment that the international security landscape is increasingly complex and unpredictable. The current UK threat



level from international terrorism, based on intelligence, is assessed as 'severe' which means that a terrorist attack is highly likely. <https://www.mi5.gov.uk/threat-levels>

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. In order to achieve these objectives we are allowed to use reasonable force when necessary to do so. In the ultimate circumstance this can include the use of lethal force but the rule of thumb is to use the minimum amount necessary to achieve the objective. In reality this equates to the use of the minimum amount of force required to overcome the violence, used or threatened, by those wishing to cause harm.

As part of this equation we also have to pay heed to the Human Rights Conventions, particularly Article 2 – The Right to Life. The law and regulations relating to the use of force are detailed within the Authorised Professional Practice (APP) document for Armed Policing, see below link: <https://www.app.college.police.uk/app-content/armed-policing/?s>

Providing the requested details would reveal tactical capability and is likely to influence those involved in criminal behaviour, who are prepared to resort to the use of extreme force in order to avoid detection and capture. Fully knowing police tactical options, strategic priorities and assessments will ensure offenders have sufficient information to anticipate and overcome the police response.

The prevention and detection of crime is the foundation upon which policing is built and the police have a clear responsibility to prevent crime, arrest those responsible for committing crime or those who plan to commit crime. However, there is also a duty of care to the public at large. The UK Police Service has a positive undertaking to protect the public from harm and that duty of care to all involved, must be the overriding consideration.

Public Interest Test

Section 24 – Factors favouring disclosure

Any disclosure made that would assist in public knowledge of how the Constabulary spends public funds would favour disclosure. This would also support the fundamental purpose of the Freedom of Information Act, which is to be more open and transparent to the way in which Constabulary polices the County, making us more accountable for our actions.

Such information disclosure may also assist in the public being better informed by our workings as Law Enforcers. It will show how we ensure the public is protected and at what level of security we afford to firearms. This would in turn assist in informed public debate about National Security Issues.



Section 24 – Factors favouring non-disclosure

A disclosure of any information regarding the Constabularies strategic intentions would demonstrate the Constabulary's principle focus and objectives, consequently highlighting areas of decreased operational attention. This will in turn provide those intent of committing such acts of terrorism with specific information regarding the way in which operations will be managed in the future. Thus providing information that could hinder any future Law Enforcement techniques leaving us vulnerable to repercussion.

The personal safety of the public is inextricably linked to national security and any information that could identify vulnerabilities would not be disclosed. Provision of information that pertains to the Constabulary's knowledge of the type of attacks used by criminals, will identify any such attacks the Constabulary is unaware of, or has not considered as part of the counter terrorism initiative. All UK police forces have a duty to fulfil their national security functions. The disclosure of this information would increase the risk to the safety of the public.

Section 31 – factors favouring disclosure

Disclosure of this information would enable the public to know whether the Constabulary has the appropriate capabilities to deal with challenges of using firearms, when appropriate to do so. Additionally, the disclosure of this information would go some way to showing the public that funds have been spent appropriately.

The information requested relates to a specialised area of 'Armed Policing'. There is a public interest in the community being made aware of all the facts relating to this area of policing in order to ensure complete openness and transparency as there is often speculation and rumour with regard to the use of firearms within the Police Service. This information would go some way to ensuring that debates around these issues are accurate.

Section 31 – factors favouring non-disclosure

The deployment of Firearms Officers is measured and authorised by Chief Officers, after careful consideration, in order to protect the public and apprehend individuals who use lethal weapons as part of their criminality. To disclose details in respect how decision were made, this is specific info about operational sensitivities, that could provide information to future criminal gangs intent on understanding the Constabularies event planning process and decision making matrices. This in turn will identify force vulnerabilities identifying whether the Constabulary is working to its full capabilities, placing the Constabulary at a tactical disadvantage.



The risk to public safety cannot be ignored and Constabularies have a responsibility to ensure safety of individuals is protected at all times, as detailed within the harm. It is imperative public lives are not compromised.

The information redacted contains tactical information concerning the planning of sensitive operations. Some information has been proactively published in advance of the operation, however there is no additional public benefit in the disclosure of certain information after the event, especially that which we have identified that could compromise future operational effectiveness in this area of policing.

Strategic intentions and operational plans are designed around the specific policing requirements of that event. However, the information will be transferable for future like operations and consequently disclosure will allow criminals to plan for future like public events and establish where the Constabulary is likely to be the most vulnerable.

Balance Test

There is a public interest in the transparency of police use of resources and providing assurance that the Police Service is appropriately and effectively utilising the Armed Policing capabilities. It is also recognised that there is a strong public interest in knowing that policing activity with regard to the delivery of law enforcement is appropriate and balanced.

However, public safety is of paramount importance and any information which would place individuals at risk and compromise the National Security of the United Kingdom, no matter how generic, is not in the public interest. The effective delivery of operational law enforcement is crucial and of paramount importance to Constabularies. Any disclosure would have a negative impact on law enforcement.

There is a public interest in knowing that the delivery of armed police at BSE Christmas Market was balanced and justified, the Constabulary considers that the provision of the redacted documentation provides sufficient information to inform the public that this strategic option was justified, without jeopardising law enforcement capabilities.

Therefore it is our opinion that for these reasons the balance test for disclosure of the redacted elements is not made out.



Suffolk can **neither confirm nor deny** that it holds any other information relevant to the whole of your request by virtue of the following exemption:

Section 23(5) – Information supplied by, or concerning, certain security bodies

The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would involve the disclosure of any information (whether or not already recorded), which was directly or indirectly supplied to the public authority by, or relates to, any bodies specified in subsection (3).

This is an absolute exemption and I am therefore not required to complete a public interest test.

This cannot be taken as confirmation or otherwise that further information does or does not exist.

Should you have any further queries concerning this request, please contact Clair Pack, FOI Decision Maker, quoting the reference number shown above.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;
<http://www.opsi.gov.uk/>

Suffolk Constabulary is not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.



Your Right to Request a Review of Decisions Made Under the Terms of the
Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask Suffolk Constabulary to review their decision.

Ask Suffolk Constabulary to look at the decision again.

If you are dissatisfied with the decision made by Suffolk Constabulary under the Freedom of Information Act (2000), regarding access to information, you must notify Suffolk Constabulary that you are requesting a review within 20 days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker
Information Management Department
Suffolk Constabulary
Police Headquarters
Martlesham Heath
Ipswich
Suffolk
IP5 3QS
OR
Email: information@suffolk.pnn.police.uk*

In all possible circumstances Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 20 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply 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 application to the Information Commissioner please visit their website at www.ico.org.uk or contact them at the address shown below:

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