



17th December 2020

Freedom of Information Request Reference N^o: FOI 003573/20

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 23rd October 2020 in which you sought access to the following information:

I am writing to ask for a copy of your most recent Force Readiness Assessment for Brexit, prepared for you by the International Crime Co-ordination Centre, under the Freedom of Information Act.

Response to your Request

The response provided below is correct as of 30th October 2020.

Norfolk and Suffolk Constabularies have considered your request and our response is below.

Please see attached documents. These have been redacted due to exemptions within the Freedom of Information Act.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at section 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty, at section 1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon, section 17 of the FOIA requires that we provide the applicant with a notice in 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.

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

- **Section 24(1)** **National Security**
- **Section 27(1)** **International Relations**
- **Section 31(1)(a)(b)** **Law Enforcement**

These are qualified, prejudice-based exemptions and there is a requirement to articulate the harm that would be caused by disclosure, as well as carrying out a public interest test.

Evidence of Harm

Brexit is a highly emotive subject area which attracts very high media interest. Undoubtedly the outcome of any deal, or no deal Brexit, will impact the general public as a whole. The Police Service has a duty of care to ensure any repercussions from exiting the European Union are planned for and appropriate to the needs of the general public from a policing purpose.

Police forces work in conjunction with other agencies and information is freely shared in line with information sharing protocols. Modern day policing is intelligence led and this is particularly pertinent with regard to both Law Enforcement and National Security.

The public expect police forces to use all powers and tactics available to them to prevent and detect crime or disorder and maintain public safety. The prevention and detection of crime is the foundation upon which policing is built and the threat from terrorism cannot be ignored.

Disclosure under the Freedom of Information Act are disclosures to the world and not just to the individual making the request. To disclose specific details of Brexit planning would undermine the smooth delivery of operational law enforcement.

Furthermore, planning information would be beneficial to terrorists, inasmuch as awareness would enable those intent on carrying out terrorist atrocities to target any particular weaknesses that may be highlighted.

It is generally recognised that the international security landscape is increasingly complex and unpredictable. The current UK threat level from international terrorism, based on intelligence, is assessed as of today's date, as 'Severe' which means that a terrorist attack is highly likely, see below link:

<https://www.mi5.gov.uk/threat-levels>

Varying tactics are used by terrorist groups and in order to counter criminal and terrorist behaviour, it is vital that the police have the ability to work together, where necessary covertly, to obtain intelligence within current legislative frameworks to assist in the investigative process to ensure the successful arrest and prosecution of offenders who commit or plan to commit acts of terrorism.

To achieve this goal, it is vitally important that any information sharing takes place between police officers, members of the public, police forces as well as other security law enforcement bodies within the United Kingdom and at times abroad. Such an action would support counter-terrorism measures in the fight to deprive terrorist networks of their ability to commit crime.

Information is shared both ways with agencies and the impact of disclosing information at this time would undermine the relationship between all agencies, both within the United Kingdom and overseas, which could hinder the prevention or detection of crime and the apprehension or prosecution of offences.

Smooth relations between the United Kingdom and other States is reliant on upholding confidence and trust between Governmental Heads of States and diplomats. Should the United Kingdom fail to preserve these qualities by disclosing information considered to be confidential, the ability to protect and promote UK interests through international relations will be undermined.

Public Interest Considerations

Section 24(1) National Security - Factors favouring disclosure

Disclosure of this information could assist with public debate into whether adequate planning is being undertaken to ensure a smooth exit from the European Union, which takes into account all scenarios, including potential terrorist atrocities.

Section 24(1) National Security - Factors favouring non-disclosure

Taking into account the current security climate within the United Kingdom, no information which may aid a terrorist should be disclosed. To what extent this information may aid a terrorist is unknown, but it is clear that disclosure would impact on an individual force's tactical vulnerability.

The public entrust the Police Service to make appropriate decisions with regard to their safety and protection. The only way of reducing risk is to be cautious with what is placed into the public domain.

The cumulative effect of terrorists gathering information from various sources would be detrimental, as highlighted within the harm above. The more information disclosed over a period of time would provide a more detailed account of the tactical infrastructure of not only a force area but also the country as a whole.

Any incident that results from such a disclosure would by default affect National Security.

Section 27(1) International Relations - Factors favouring disclosure

Disclosure of the requested information would provide openness and transparency by highlighting that the Constabularies are proactively engaging with other law enforcement agencies both at home and abroad as part of the United Kingdom's contingency planning for a no deal Brexit.

Section 27(1) International Relations - Factors favouring non-disclosure

The importance of building and maintaining goodwill within International Relations cannot be underestimated. To disclose information which is part of a national response should there be a no deal Brexit would undermine the relationship and trust built up between police forces and other international agencies.

Section 31(1)(a)(b) Law Enforcement - Factors favouring disclosure

There is a strong public interest in disclosing how the Police Service is currently undertaking contingency planning in the event of a no deal Brexit as this would provide openness, transparency and a better awareness to the public that both Norfolk and Suffolk Constabularies are proactively and appropriately ready to respond to any fall-out from such a scenario.

Section 31(1)(a)(b) Law Enforcement - Factors favouring non-disclosure

Norfolk and Suffolk Constabularies, other law enforcement agencies and the Police Service in general work together to ensure the effective delivery of operational law enforcement when required. In this case contingency planning would be in line with Government recommendations. Disclosing details of plans would enable individuals intend on committing offences to try to use the information to gain an insight into the planned tactical response and capability should a no deal Brexit happen. The information, to all intents and purposes, can be classed as operational intelligence and extremely sensitive at this time.

Public Safety is of paramount importance and to disclose the information requested, to the world, would undermine any pre-planned operational response would place the safety of the general public at risk.

Balance Test

The points above highlight the merits for disclosing and withholding the requested information. The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose specialist teams are compiled and developed to target precise areas of policing, in this case contingency plans for Brexit.

Whilst there is a public interest in the transparency of policing and how police forces plan for major events, there is a very strong public interest in safeguarding the intricacies and tactical capabilities surrounding contingency planning for a no deal Brexit.

Public safety is of paramount importance and any information which would place individuals at risk and compromise National Security, no matter how generic, is not in the public interest. The

effective delivery of operational law enforcement and the National Security of the United Kingdom is crucial and of utmost importance to Norfolk and Suffolk Constabularies.

Therefore, at this moment in time, it is our opinion that for these issues the balance test for disclosure of the information is not made out.

This response will be published on the Constabularies web-site under the Freedom of Information pages:-

<https://www.norfolk.police.uk/about-us/our-data/disclosure-log>

<https://www.suffolk.police.uk/services/freedom-information/disclosure-logs>

Should you have any further queries concerning this request, please contact Amanda Gibson, 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/>

Norfolk and Suffolk Constabularies are 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 the Norfolk and Suffolk Constabulary to review their decision.

Ask Norfolk and Suffolk Constabularies to look at the decision again.

If you are dissatisfied with the decision made by Norfolk and Suffolk Constabularies under the Freedom of Information Act (2000), regarding access to information, you must notify the Norfolk and Suffolk Constabulary that you are requesting a review within 40 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
Norfolk Constabulary
Operations and Communications Centre
Jubilee House
Falconers Chase
Wymondham
Norfolk NR18 0WW
OR
Email: freedomofinformation@norfolk.pnn.police.uk*

In all possible circumstances Norfolk and 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 Norfolk and 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