

30th August 2019

**Freedom of Information Request – Reference No:20191798**

**REQUEST**

***What, if any, work are you doing that is specifically related to South Yorkshire in terms of preparation for a No Deal Brexit***

**RESPONSE**

Your request was transferred to us and logged as a Freedom of Information request.

**RESPONSE**

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 FOIA requires that we provide the applicant with a notice which

a) states that fact

b) specifies the exemption(s) in question and

c) state (if that would not otherwise be apparent) why the exemptions apply.

**Section 24(1) National Security;  
Section 27(1) International Relations;  
Section 31(1) Law Enforcement and  
Section 38(1) Health and Safety.**

**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.

Any disclosure under FOI is a disclosure to the world and not just to the individual making the request. To disclose specific details of tactical planning would reveal intricacies of any

planned operations thereby undermining the smooth delivery of operational law enforcement.

Furthermore, the planning information would be beneficial to terrorists inasmuch as such awareness would enable those intent on carrying out terrorist atrocities to target any particular weakness 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.

The impact of providing information under FOI which aids a terrorist or terrorist cell has the potential to highlight tactical vulnerabilities which may weaken the national infrastructure thereby undermining National Security and leaving the United Kingdom at risk of more terrorist attacks and jeopardising the health and safety of individuals which may result in severe injury or even death. Recent attacks which have been fatal is the murder of PC Keith Palmer and the bombing of Manchester Arena, etc.

## **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.

#### **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 South Yorkshire Police is 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.

### **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 South Yorkshire Police are proactively and appropriately ready to respond to any fall-out from such a scenario.

### **Factors favouring non-disclosure**

South Yorkshire Police, other law enforcement agencies and the Police Service generally 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 intricate detail of these 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 the pre-planned operational responses following Brexit within South Yorkshire Police's jurisdiction, would place the safety of the general public at risk.

## **Section 38(1) Health and Safety**

### **Factors favouring disclosure**

There are a number of tactics available to the Police Service to ensure public safety is at the top of the agenda as well as ensuring public order situations are dealt with appropriately and in line with intelligence available at the time. Disclosure of the information would show that South Yorkshire Police has considered all available options available to them to ensure public safety.

Furthermore, disclosure would assist when debating public safety are part of contingency plans for Brexit.

### **Factors favouring non-disclosure**

Disclosing information which would jeopardise public safety and also compromise tactical options would highlight intricacies of tactical strategies used by police forces in their endeavour to deliver care to the community and the effective delivery of operational law enforcement. Disclosure would also directly influence the stages of law enforcement when dealing with public order situations as offenders would be more aware of tactical vulnerabilities.

### **Balancing 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 South Yorkshire Police.

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.