



Your reference: N/A

Our reference: FOI_2023_1228

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Direct dial: 01452 754304

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Date: 15/02/2024

Dear

Gloucestershire Constabulary Freedom of Information request FOI_24_1228

On 29/12/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

This is a request for information under the Freedom of Information Act 2000.

Please note there are three parts to my request, although the second part has multiple clauses.

1.

Has your force issued 'Threats to Life Warning Notices' (otherwise known as Osman Warnings) in the time period 31 December 2013 up to and including 29 December 2023. Please provide a Yes or No answer.

2.

If the answer to question 1 is 'yes', please can you confirm how many 'Threats to Life Warning Notices' (otherwise known as Osman Warnings) your force has issued in the time period 31 December 2013 up to and including 29 December 2023.

3.

If the answer to question 1 is 'yes', please can you confirm the total number of Threat to Life Warning Notices (Osman warnings) issued by your force between 31 December 2013 and 29 December 2023, where the imminent threats to life was posed by individuals linked to the governments of:

- Rwanda
- Russia
- Saudi Arabia
- Dubai
- Bahrain
- Oman

If you do not have the data for Oman and Dubai, please instead provide a response for "United Arab Emirates".

Please note, I do not require identifying details of who the Osman Warnings were issued to, or any data regarding the reason for the warning – simply the number.

Clarification was received to clarify question 3

I understand that the way I phrased point 3 in my request may be confusing.

Please can I clarify that for point 3, I am requesting the following information:

The number of threats made by an individual linked to the listed foreign governments to a specific individual in the UK which has resulted in an Osman warning being issued

The listed foreign governments are:

- Rwanda
- Russia
- Saudi Arabia
- Dubai
- Bahrain
- Oman

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary holds some relevant information.

1. Yes

2. We do not hold data prior to 2017. 38 Threat to Life Warning Notices have been issued since 2017.

3. 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 s17 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) states (if that would not otherwise be apparent) why the exemption applies.

Gloucestershire Constabulary can neither confirm nor deny that it holds any information in relation to systems used for intelligence purposes as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

Section 23(5) – Information supplied by, or concerning, certain Security Bodies

Section 24(2) - National Security

Section 27(4) - International Relations

Section 30(3) – Investigations and Proceedings conducted by Public Authorities

Section 31(3) - Law Enforcement

Section 38(2) - Health & Safety

Section 40(5) - Personal Information

Sections 24, 31 and 38 are prejudice based qualified exemptions, both evidence of harm and public interest to be carried out.

Sections 23 and 40 are class based, absolute exemptions which means that the legislators have identified that harm would be caused by any release. In addition there is no requirement to consider the public interest test.

Sections 27 & 30 are class based qualified exemption which means the public interest must be considered.

Overall evidence of harm:

Every effort should be made to release information under Freedom of Information. However, to divulge specific information such as intelligence which has resulted in an Osman warning being issued as part of an investigation could potentially compromise the evidence gathering process. Instances where an Osman Warning may have been issued to an individual following a threat made by a foreign government are incredibly sensitive and releasing anything under FOI, including confirming or denying information is held, could add to public speculation and rumour which would jeopardise future trial proceedings and risk the safety of the individual subject to the warning. To confirm or deny any information is held in respect of threats made by a foreign government to a specific individual in the UK would strongly undermine many of the policing actions around investigations, reveal police intelligence, and risk the identification of individuals. Given the nature of the subject matter, there is also significant risk of undermining National Security, damaging international relations between the UK and other states.

Confirming information was held would release highly sensitive intelligence regarding the Force's investigative activities in this area. Releasing this information to the world at large would afford those who make such threats awareness of what the police may or may not have intelligence on. It could either lead to the identification of specific cases or in providing this level of information at force level would result in presenting a real risk of identifying the resources available in monitoring those committing offences, compromising on-going operations and investigations, many of which may be covert, and therefore undermining the effective delivery of operational law enforcement by revealing capabilities of Gloucestershire Police. Equally denying information was held would highlight that the force were not aware of any such threats being made and thus no individuals were currently subject to an Osman Warning. If it was the case that such threats had been made that the police inadvertently confirmed they did not know about, this would significantly undermine the police's primary role of preventing and detecting crime and apprehending offenders and place those individuals at further risk of harm.

The prevention and detection of crime is the foundation upon which policing is built. The Police Service has a clear responsibility to protect the public, prevent crime and arrest those responsible for crime or those that plan to commit crime. By confirming whether or not any information is held relevant to this request could directly influence the effective delivery of operational law enforcement.

If a foreign government was to become aware that someone had been given a TTL warning as a result of a state threat, then they will become aware that there is intelligence available and this could therefore place that individual at risk. The slightest indication or evidence confirming their suspicions would be enough for them to justify taking unlawful action against those they 'suspect' have provided the police with intelligence. Confirming or denying information is held in respect of such low level detail as Osman warnings issued as a result of state threats by a foreign government could ultimately lead to further threats, intimidation and death. Such harm might not be just to the recipient, but given the source of the threat

being identified as a foreign government, would further present a risk to the UK's national security.

Threats to the UK's national security cannot be ignored and it is generally recognised that the international security landscape is increasingly complex and unpredictable. The current UK threat level, based on intelligence, is Substantial, which means that a terrorist attack is likely, see below link:

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

In order to counter this behaviour it is vital that the police have the ability to work collaboratively to obtain intelligence within current legislative frameworks to assist in the investigative process and ensure the successful arrest and prosecution of anyone who commits or plan to commit acts which threaten the safety and security of the UK.

To achieve this goal, it is vitally important that 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 internationally if appropriate. This information sharing supports counter measures in the fight to deprive those outside of the UK of the ability to commit crime.

To confirm or deny whether information is held relevant to this case would be extremely useful to those wishing to threaten individuals within the UK from foreign states as it would enable them to identify whether Police techniques are being used to counter their activity.

In addition, any disclosure no matter how generic, which may assist a criminal, an organisation or a foreign party including governments in carrying out illegal acts will adversely affect public safety. Information that undermines the operational integrity of police investigations and intelligence gathering will adversely affect public safety and have a negative impact on both national security and law enforcement

Public Interest Considerations

Section 24(2) National Security

Factors favouring complying with Section 1(1) (a) confirming that information is held

The public are entitled to know how public funds are spent and how resources are distributed within an area of policing. To confirm whether any other information is held in respect of state threats to individuals in the UK which have resulted in an Osman warning being issued would enable the general public to hold Gloucestershire Police to account where investigations are concerned, ensuring all such threats are recorded and investigated appropriately. This would enable improved public debate and give further reassurance to the public that the police are using public money wisely to provide protection to the UK public at large.

Factors against complying with Section 1(1) (a) confirming or denying that information is held

Security measures are put in place to protect the community we serve. As evidenced within the harm to confirm information is held would highlight intelligence has been gathered about threats being made specifically by foreign states to a UK national. Taking into account the current security climate within the United Kingdom, no information (such as the citing of an exemption which confirms state threats have been made or conversely, stating no information is held) which may aid criminal activity should be disclosed. To what extent this

information may aid others is unknown, but it is clear that it will have an impact on a force's ability to monitor such activity.

Irrespective of what information is or isn't held, the public entrust the Police Service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with what is placed into the public domain.

The cumulative effect of revealing information from various forces nationally would be even more impactful when linked to other information gathered from external sources. The more information disclosed over time will give a more detailed account of investigative activity and intelligence, 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.

To confirm or deny whether the Force hold information would allow inferences to be made about the nature and extent of national security related activities which may or may not take place in a given area. This could enable group(s) to take steps to avoid detection, and as such, confirmation or denial would be damaging to National Security.

By confirming or denying any policing arrangements of this nature would render national security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK and increase the risk of harm to the public.

Section 27(4) – International Relations

Factors favouring complying with Section 1(1)(a) confirming that information is held

There is a clear public interest in making appropriate information available to the public. The release of such information would act to reinforce the commitment of the police service to investigate, as an open and transparent organisation, serving to maintain public confidence in the Police service.

Factors against complying with Section 1(1)(a) confirming or denying that information is held

To confirm whether or not information is held relating to the request is very likely to prejudice relations between the United Kingdom and any other states around the world.

Disclosure of the requested information would be very likely to be seen as a breach by the UK of the trust and confidence fundamental to such international relations, which would in turn compromise the ability of the UK to promote and protect its interests abroad whilst also undermining the ability of the UK to effectively engage with nations in order to investigate offences that have been committed abroad.

Section 30(3) Investigations

Factors favouring complying with Section 1(1) (a) confirming that information is held

Confirming or denying whether information exists relevant to state threats made by a foreign government to an individual which has resulted in an Osman warning being issued would lead to a better informed general public identifying that Gloucestershire Police robustly investigate offences which may encourage individuals to provide intelligence in order to assist with investigations and reduce crime. This would further promote public trust in providing transparency and demonstrating openness and accountability into where the police are currently focusing their investigations. The public are entitled to know how public funds are spent, particularly in the current economic climate.

The issue of threats to life made against individuals, especially by foreign sources is a highly emotive subject area often attracts high profile media. Confirming or denying that information exists could provide reassurance to the general public.

Factors against complying with Section 1(1) (a) neither confirming nor denying that information exists

Modern-day policing is intelligence led and Gloucestershire police share information with other law enforcement agencies as part of their investigative process. To confirm or not whether specific intelligence is held, some of which may have been as a result of covert investigations would hinder the prevention and detection of crime as well as undermine the partnership approach to investigations and law enforcement.

Should those subject to investigation by Gloucestershire police take evasive action to avoid detection police resources may well be diverted from frontline duties and other areas of policing to locate and apprehend these individuals. In addition, the safety of individuals and victims would be compromised.

Section 31(3) Law Enforcement

Factors favouring complying with Section 1(1) (a) confirming that any other information is held

Confirming that any other information exists relating to Osman warnings resulting from state threats would lead to a better informed public which may encourage individuals to provide intelligence in order to reduce offences.

Factors against complying with Section 1(1) (a) neither confirm nor denying that any other information is held.

Confirmation or denial that information relating to Osman warnings resulting from state threats is held in this case would suggest Gloucestershire Police take their responsibility to protect information dismissively and inappropriately.

Gloucestershire Police has a duty of care to the community at large and public safety is of paramount importance. If an FOI disclosure revealed information to the world that would undermine the security of the national infrastructure or alert foreign threats to the actions of UK police forces' investigative activities, they could use this to their advantage which would compromise public safety and more worryingly encourage further crimes.

By its very nature, information relating to whether or not Osman warnings have been issued as a result of state threats within a specific force area undoubtedly undermines the effective delivery of operational law enforcement. Under FOI there is a requirement to comply with Section 1(1) (a) and confirm what information is held. In some cases it is that confirmation, or not, which could disclose facts harmful to members of the public, police officers, other law enforcement agencies and their employees.

Section 38(2) – Health & Safety

Factors favouring complying with Section 1(1)(a) confirming information is held

Confirmation of whether information is or isn't held would provide reassurance to the general public that information is shared between different agencies who have a duty to protect individuals. This awareness could be used to improve any public consultations/debates in relation to this subject.

Factors against complying with Section 1(1)(a) confirming or denying that information is held

Confirming or denying this information exists could lead to the loss of public confidence in the Force's ability to protect the wellbeing of the community.

Disclosure of this information would not only lead to individuals being targeted and caused physical harm but also other members of the public in the vicinity, or police officers trying to protect people. Also, information that causes speculation has in the past caused innocent people to be targeted following rumour and speculation. Equally providing a confirmation that no such information is held would risk the safety of an individual who may well be a target of a state threat as it would highlight the police are unaware of the threat which has been made. As a result the safety of that individual is placed at greater risk of further threats to their life.

Balancing Test

The points above highlight the merits of confirming or denying whether information pertinent to this request exists. The security of the country is of paramount importance and 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, various policing tactics including covert operations may or may not be used. The Police Service will not divulge whether any 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 investigations, providing assurance that the Police Service is appropriately and effectively engaging with the threat from criminals, organisations and foreign powers, there is a very strong public interest in safeguarding both National Security and the integrity of policing tactics. As much as there is public interest in knowing that policing activity is appropriate and balanced in matters of National Security, this will only be overridden in exceptional circumstances.

Any disclosure by Gloucestershire Police that places the security of the country at risk, no matter how generic, would undermine any trust or confidence individuals have in us. Therefore, at this moment in time, it is our opinion that for these issues the balance test favours neither confirming nor denying that any other information exists.

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

The Information Commissioner can be contacted via the following means:

Website - <https://ico.org.uk/>

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post –

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary