

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 27 May 2010

Public Authority: Commissioner of the Metropolitan Police Service
Address: New Scotland Yard
Broadway
London
SW1H 0BG

Summary

The complainant requested information related to the former leader of the Socialist Workers Party. The public authority initially refused to confirm or deny whether it held information falling within the scope of the request. Following internal review, the public authority confirmed that it did hold relevant information, but refused to disclose this, citing the exemptions provided by sections 23(1) (information supplied by, or relating to, bodies dealing with security matters), 24(1) (national security), 31(1)(a) and (b) (prejudice to law enforcement), 38(1)(a) and (b) (endangerment to health and safety) and 40(2) (personal information). The Commissioner finds that sections 23(1) and 40(2) are engaged. However, the Commissioner concludes that none of the other exemptions cited are engaged and also finds that the public authority failed to comply with sections 1(1)(b), 10(1), 17(1) and 17(3)(b) in its handling of the request. The public authority is required to disclose all information it holds that falls within the scope of the complainant's request, apart from the information in relation to which the exemptions provided by sections 23(1) and 40(2) are engaged.

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

The Request

2. The public authority received the following information request from the complainant on 22 January 2008:

"I would like to see the Special Branch files on Tony Cliff (Ygael Gluckstein)."

3. The public authority responded to this request on 21 April 2008, well outside twenty working days from receipt of the request, and refused to confirm or deny whether it held information falling within the scope of the request. It cited the exemptions provided by sections 23(5) (information relating to, or supplied by, bodies dealing with security matters), 24(2) (national security), 31(3) (prejudice to law enforcement), 38(2) (endangerment to health and safety) and 40(5) (personal information). The refusal notice included no explanation as to why the exemptions cited were believed to be engaged and addressed the balance of the public interest only briefly and in a generalised fashion in connection with the qualified exemptions cited.
4. The complainant responded to this on 16 June 2008 and requested that the public authority carry out an internal review of its handling of the request. The complainant referred to information recording Special Branch surveillance of other individuals being available via the National Archives and suggested that the availability of this other information indicated that the information requested in this case should also be disclosed.
5. The public authority responded with the outcome of the review on 2 September 2008 and withdrew the initial refusal to neither confirm nor deny. The public authority now confirmed that it did hold information falling within the scope of the request, although it refused to disclose this information. The exemptions now cited were sections 23(1), 24(1), 31(1)(a), (b) and (c), 38(1)(a) and (b) and 40(2). The public authority briefly addressed why it believed that the exemptions were engaged. The public interest was addressed in a generalised fashion, rather than separately in relation to each exemption cited.

The Investigation

Scope of the case

6. The Commissioner received the complainant's completed complaint form on 22 October 2008. The complainant specified the refusal to disclose the information requested as the ground for his complaint.

Chronology

7. The Commissioner contacted the public authority on 6 August 2009. The public authority was asked to respond with reasoning as to why it believed that the exemptions cited were engaged and, where relevant, why it believed that the balance of the public interest favoured the maintenance of these exemptions. The public authority also confirmed at this stage that it no longer believed that the exemption provided by section 31(1)(c) was engaged.
8. The public authority responded with its arguments on 21 September 2009. Following this, a representative of the Commissioner visited the public authority on 18 November 2009 and viewed most of the information in question. The information exempted under section 23(1) was withheld from the Commissioner's representative.

Analysis

Exemptions

Section 23

9. The public authority has cited section 23(1). This section is set out in full in the attached Legal Annex, as are all other sections of the Act referred to in this Notice. Section 23(1) provides an exemption for information that relates to, or was supplied by, either directly or indirectly, any of the bodies specified in section 23(3). This exemption is not subject to the public interest, meaning that if the information in question conforms to the class specified in this exemption, it is exempt from disclosure.
10. A senior representative of the public authority contacted the Commissioner's office by letter dated 15 December 2009 and stated that the information to which this exemption had been applied does either relate to, or was supplied by, one of the bodies specified in

section 23(3). The Commissioner is prepared, in limited circumstances, to accept the assurance of a senior official that information withheld under section 23(1) has indeed been supplied by or is related to security bodies specified in section 23(3). He will only do so where the official occupies a position in relation to the security bodies which allows them genuinely to validate the provenance of the information, and where the official is independent of the public authority's process for dealing with freedom of information requests.

11. The Commissioner is satisfied that the author of the 15 December 2009 letter occupied such a position within the public authority. Accordingly, in all the circumstances of this case, having seen the nature of the rest of the withheld information, he is satisfied that the information in question engaged the exemption under section 23(1).
12. In this case, the Commissioner understands that information withheld under section 23(1) is interspersed with information withheld in reliance on other exemptions. The Commissioner would stress at this point that the effect of this conclusion is not that all the information requested by the complainant should be withheld in its entirety. Instead, the information in relation to which section 23(1) is engaged should be redacted from the withheld information, leaving that which the Commissioner concludes is not exempt and which should be disclosed. The Commissioner would also stress that this should mean that the public authority will redact only that information that relates to, or was supplied by, the body in question from section 23(3) or which he finds to be otherwise exempt from disclosure.

Section 24

13. Section 24(1) provides an exemption from the duty to disclose information, imposed by section 1(1)(b), where this is required for the purpose of safeguarding national security. This exemption is also qualified by the public interest test. This means that the information should be disclosed if the public interest favours this despite the requirements of safeguarding national security.
14. The first step in considering whether this exemption is engaged is to establish what the wording of the exemption is referring to and whether the arguments of the public authority are relevant to this exemption. The exemption will only be engaged where it is *required* for the purpose of safeguarding national security. The approach of the Commissioner is that *required* in this context means reasonably necessary. It is not sufficient for the information sought simply to relate to national security; there must be a clear basis for arguing that

disclosure would have an adverse effect on national security before the exemption is engaged.

15. On the issue of the meaning of *national security*, the Commissioner has followed the approach taken by the Information Tribunal in the case *Baker v the Information Commissioner and the Cabinet Office* (EA/2006/0045). The Tribunal noted that it had been unable to find an exhaustive definition of national security, but referred to a House of Lords decision (*Secretary of State for the Home Department v Rehman* [2001] UKHL 47; [2003] 1 AC 153), which made the following observations on this issue:

“(i) ‘national security’ means the ‘security of the United Kingdom and its people’ (para 50 per Lord Hoffman);

(ii) the interests of national security are not limited to action by an individual which can be said to be ‘targeted at’ the UK, its system of government or its people (para 15 per Lord Slynn);

(iii) the protection of democracy and the legal and constitutional systems of the state is part of national security as well as military defence (para 16 per Lord Slynn);

(iv) ‘action against a foreign state may be capable indirectly of affecting the security of the United Kingdom’ (para 16-17 Lord Slynn): and

(v) ‘reciprocal co-operation between the United Kingdom and other states in combating international terrorism is capable of promoting the United Kingdom’s national security’ (para 17 Lord Slynn).”

16. The argument of the public authority relates to what it believes would be revealed about policing tactics and methodology through disclosure of the information in question. Whilst the public authority acknowledges that the information in this case does not relate to terrorism, the public authority argues that the information in question here would disclose tactics and methodologies similar to those used in relation to terrorists and terrorism. The public authority argues that disclosure of these tactics and methodologies could enable future suspects to evade detection and that this would prejudice the efforts of the public authority to uphold national security.
17. The Commissioner accepts that this argument is relevant to national security and so to the wording of the exemption provided by section 24(1). The next step in considering whether this exemption is engaged

is to consider whether these arguments are sufficient to justify exemption of the withheld information from disclosure on the basis that it is required for the purpose of safeguarding national security.

18. As noted above, a representative of the Commissioner visited the public authority and viewed the information falling within the scope of the request and the Commissioner found that this information does record actions taken by the public authority in relation to the individual named in the request. It reveals little, however, about how these actions were carried out. The arguments put forward by the public authority in connection with this exemption have not been made in relation to specific content of the information. The public authority has not, for example, pointed to a particular passage within the information and explained how this would reveal a specific policing tactic or methodology.
19. The Commissioner anticipates that the public authority might argue that this information does reveal general information about policing tactics. To the extent that this information does reveal general information about policing tactics, the Commissioner does not believe that disclosure of the information in question here would be the first or only occasion that the use of such techniques in policing had been disclosed. Instead, the Commissioner believes that the use by the police of the general techniques that could be discerned through the information in question would be common knowledge.
20. The Commissioner considers it likely that the public authority might also argue that this exemption should be upheld in order to maintain the high level of confidentiality that surrounds Special Branch related information and that this high level of confidentiality is necessary for the purposes of national security. In response to this point the Commissioner would refer first to the age of the information. The Commissioner considers it likely that the age of this information in this case is such that it will reveal less about covert surveillance techniques used today than would be revealed through more recently recorded information. Given this the Commissioner also considers that any harm that could be said to be likely to result through disclosure of the information in question would be reduced given the age of this information.
21. Secondly, the complainant has referred to historic Special Branch related information being publicly available via the National Archives. Whilst the Commissioner accepts that this information is likely to be older than the bulk of the information in question here, the fact that similar, albeit older, information is available at the National Archives

erodes any suggestion that immutable confidentiality should apply to Special Branch related information.

22. The Commissioner's view in this case is that insufficient evidence has been put forward to support a conclusion that it is necessary for the purposes of national security to exempt from disclosure the information in question. The basis for this view is that the Commissioner does not accept that the information in question reveals anything about policing techniques and methodologies that could conceivably be used to avoid detection and also he does not accept that maintenance of the confidentiality of all Special Branch related information, regardless of content or age, is necessary for the purposes of national security. The exemption provided by section 24(1) is not, therefore, engaged. In these circumstances it has not been necessary to go on to consider the balance of the public interest.

Section 31

23. The public authority has cited sections 31(1)(a) and 31(1)(b). As noted above at paragraph 7, whilst the public authority previously cited section 31(1)(c), it confirmed during the Commissioner's investigation that it no longer believed that this exemption was engaged. Section 31(1)(a) provides an exemption for information the disclosure of which would, or would be likely to, prejudice the prevention or detection of crime. Section 31(1)(b) provides the same for information that would, or would be likely to, prejudice the apprehension or prosecution of offenders. Consideration of these exemptions is a two stage process; first disclosure must be at least likely to result in the prejudice described in the exemptions. Secondly, these exemptions are subject to the public interest test. This means that if the public interest in the maintenance of the exemption does not outweigh the public interest in disclosure, the information should be disclosed.
24. The public authority has specified that it believes that prejudice *would be likely* to result through disclosure. The test that the Commissioner applies when considering whether prejudice would be likely is that the possibility of this must be real and significant and more than hypothetical or remote. This is in line with the approach taken by the Information Tribunal in *John Connor Press Associates Limited v the Information Commissioner* (EA/2005/0005) in which it stated:

"Likely connotes a degree of probability that there is a very significant and weighty chance of prejudice to the identified public interests. The degree of risk must be such that there 'may very well' be prejudice to those interests, even if the risk falls short of being more probable than not." (paragraph 15)

25. The first step in considering whether these exemptions are engaged is to address whether the arguments advanced by the public authority are relevant to these exemptions. The public authority has advanced two main arguments in connection with the citing of these exemptions; first, as in connection with section 24(1), that disclosure would reveal police techniques and methodologies and that this would enable future policing targets to evade detection and, secondly, that disclosure would discourage potential sources of information from assisting the police and thus disrupt the flow of information to the police. The Commissioner accepts that, if the effects of disclosure predicted by the public authority were to occur, this would result in prejudice to the prevention and detection of crime and to the apprehension and prosecution of offenders. The arguments advanced by the public authority are, therefore, relevant to these exemptions.
26. Turning to the likelihood of these prejudices occurring, the Commissioner's analysis of the public authority's argument about the disclosure of policing techniques and methodologies is as set out above in connection with section 24(1). Whilst the information in question records actions carried out by the public authority, it reveals little about how those actions were carried out. For this reason, the Commissioner does not accept that the content of the information in question reveals anything about policing techniques and methodologies that would result in a real and significant likelihood of prejudice relevant to sections 31(1)(a) or (b).
27. Turning to the second argument of the public authority, that disclosure would disrupt the flow of information to the police, the Commissioner accepts the premise of this argument. It is reasonable for the public authority to argue that, were potential sources of information concerned that their identities and contributions might be disclosed, this could discourage at least some potential sources from providing information to the police. However, whether it applies to the extent that the exemption is engaged will vary depending on the circumstances in each individual case.
28. In this case the circumstances differ from a case where information has been requested about a specific investigation, as information has been requested about a well known individual, rather than an investigation. The Commissioner also considers the age of this information to be particularly relevant. Given the circumstances in this case, the Commissioner believes that the public authority could have resolved any concern about discouraging sources from providing information to it in future by making clear that the information in this case is considered disclosable due to the request being for information about a

well known individual, rather than about an investigation, and due to the age of this information. By doing so the public authority could have made clear that disclosure in this case should not have been taken as setting a precedent that will apply to any future request.

29. Finally, the Commissioner notes that the public authority has not related its argument on this point to specific content within the information. Had the public authority argued that, for example, the information included contributions from particular individuals, or classes of individual, and explained why disclosure of these contributions would be likely to disrupt the flow of information to the police in future, the Commissioner may have accepted that there was evidence to support a conclusion that this exemption was engaged. To the extent that the information in question may reveal the identities of individuals other than Tony Cliff, this is covered in the section 40(2) analysis below.
30. The Commissioner concludes that the exemptions provided by sections 31(1)(a) and (b) are not engaged. The reasoning for this conclusion is that the public authority has not demonstrated to the Commissioner that a real and significant likelihood of prejudice relevant to these exemptions would result through disclosure of the information in question. He does not accept that, to any significant degree, it would reveal policing tactics and methodologies or would discourage future potential sources of information from providing information to the police. As this conclusion has been reached at this stage it has not been necessary to go on to consider the balance of the public interest.

Section 38

31. The public authority has cited sections 38(1)(a) and (b). Section 38(1)(a) provides an exemption for information the disclosure of which would, or would be likely to, endanger the physical or mental health of any individual, and section 38(1)(b) provides the same for information the disclosure of which would, or would be likely to, endanger the safety of any individual. The threshold for concluding that endangerment would be likely is as set out above at paragraph 24; there must be a real and significant likelihood of endangerment occurring.
32. The first step in considering whether sections 38(1)(a) and (b) are engaged is to establish whether the arguments advanced by the public authority are relevant to this exemption. This includes establishing if the public authority had identified the subjects of the endangerment that it believes would be likely to occur through disclosure.

33. The public authority has advanced three arguments in connection with sections 38(1)(a) and (b). The first argument of the public authority is dealt with in an attached Confidential Annex due to what it reveals about the content of the information. The conclusion of the Commissioner on the argument covered in the Confidential Annex is that this does not meet the test of a real and significant likelihood of endangerment.
34. The second argument advanced by the public authority is that endangerment to the health and safety of individuals “*involved in operational activities*” recorded within the information in question is likely to result through disclosure. The basis for this argument from the public authority is that individuals identified within this information as having worked with the public authority may be targeted for reprisal attacks.
35. The Commissioner accepts the basic premise of this argument in that he acknowledges that there are individuals who would seek to target for attack police officers and others who have worked with the police. He also accepts that this is relevant to the endangerment described in the exemption. However, to the extent that such individuals are identified within the information in question, this is covered in the section 40(2) analysis below. The Commissioner does not accept that disclosure of the remaining content of this information would lead to a real and significant likelihood of endangerment to the health and safety of any individuals who have worked for, or with, the public authority.
36. The third argument is that disclosure would reveal policing techniques and that this would lead to a widespread endangerment to public health and safety through jeopardising the ability of the police to perform their role. Again, the Commissioner accepts the basic premise of this argument in that, if the ability of the police to perform their role was jeopardised, this would be likely to lead to endangerment to public health and safety. However, the Commissioner’s conclusion on what the content of the information in question here reveals about policing techniques is as covered above in connection with section 24(1). For the same reasons given above, the Commissioner does not accept that anything revealed about policing techniques through disclosure of the information in question would lead to a real and significant likelihood of endangerment to health and safety.
37. The conclusion of the Commissioner is that the exemptions provided by sections 38(1)(a) and (b) are not engaged. Whilst the Commissioner has accepted that the arguments made by the public authority are relevant to these exemptions, he does not believe that the content of the information supports the suggestion that there is a real and

significant likelihood of endangerment to health and safety through disclosure of this information. As this conclusion has been reached at this stage it has not been necessary to go on to consider the balance of the public interest.

Section 40

38. Whilst the public authority was not specific on this point, the Commissioner assumes that section 40(2) is cited in relation to any content within the information in question from which individuals other than Tony Cliff can be identified. The Commissioner would note at this point that a conclusion that this exemption is engaged would not mean that all the information requested by the complainant should be withheld. Instead, the non-disclosable personal information should be redacted from the withheld information leaving that which the Commissioner concludes is not exempt and which should be disclosed. The Commissioner would also note that he would expect the public authority to redact only that information that clearly constitutes third party personal data not suitable for disclosure.
39. Section 40(2) provides an exemption for any information that is the personal data of any individual (other than the requester) if the disclosure of that personal data would breach any of the data protection principles. Consideration of this exemption is, therefore, a twofold process: the first step is to consider whether the information constitutes the personal data of any third party. The second step is to consider whether the disclosure of that personal data would breach any of the data protection principles.
40. Section 1(1) of the Data Protection Act 1998 (the "DPA") provides the following definition of personal data:

"personal data' means data which relate to a living individual who can be identified-

(a) from those data, or

(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller"
41. When viewing the withheld information the Commissioner's representative verified that this information does identify individuals other than Tony Cliff. The Commissioner accepts that this information does both identify and relate to these individuals and so is their personal data according to the definition given in section 1(1) of the DPA.

42. Turning to whether disclosure of this personal data would breach any of the data protection principles, the Commissioner has focussed on the first data protection principle, which states that personal data shall be processed fairly and lawfully. For disclosure to be compliant with the first data protection principle, it should be, in general, fair and lawful. It must also meet at least one of the conditions for compliance with the first principle set out in DPA Schedule 2.
43. Covering first the issue of fairness, the Commissioner considers it highly relevant here that the public authority has stated that some of the data subjects have no awareness that this surveillance took place. A key issue when considering disclosure into the public domain of personal data is what expectations the data subject would have about the possibility of the disclosure of their personal data. In this case, even aside from the context and nature of this information, given that some of the data subjects are apparently unaware of the existence of this information, it is not possible to conclude that they would have any expectation that this personal data may be disclosed into the public domain, suggesting that it would be unfair to disclose this information.
44. In relation to those data subjects who may be aware of the existence of this information, and in relation to the other data subjects, imputing such awareness, the Commissioner has considered what would be the expectations of a reasonable individual about the disclosure of the information in question. On this point the Commissioner believes the key factor to be the nature of the information in question. The Commissioner considers it reasonable to assume that the expectation of a reasonable individual would be that personal data relating to them that was recorded in the course of covert surveillance would not be disclosed. In particular, in relation to those data subjects that are not aware of the existence of this information, the Commissioner considers it highly likely that these individuals would not hold a reasonable expectation that they would be made aware of the existence of this information through the disclosure of this information via the Act into the public domain.
45. The Commissioner finds that disclosure would be unfair and in breach of the first data protection principle. Having also concluded that the information in question here would constitute the personal data of individuals other than Tony Cliff, the overall conclusion of the Commissioner is that the exemption provided by section 40(2) is engaged. The effect of this conclusion is that the information in connection with which this exemption was cited should be redacted from the remainder of the information.

Procedural Requirements

Section 1 and section 10

46. In failing to disclose the information in connection with which sections 24(1), 31(1)(a) and (b) and 38(1)(a) and (b) were cited within twenty working days of receipt of the request, the public authority did not comply with the requirements of sections 1(1)(b) or 10(1).

Section 17

47. In failing to respond within twenty working days of receipt of the request stating which exemptions were believed to be engaged, the public authority did not comply with the requirements of section 17(1).
48. The public authority failed at either refusal notice or internal review stage to provide an adequate explanation as to why the public interest in the maintenance of the exemptions outweighed the public interest in disclosure. In so doing it did not comply with the requirement of section 17(3)(b).

The Decision

49. The Commissioner finds that the public authority applied the exemptions provided by sections 23(1) and 40(2) correctly. However, the Commissioner's decision is also that the public authority did not deal with the request for information in accordance with the Act in that it failed to comply with the requirement of section 1(1)(b) on the invalid basis that the exemptions provided by sections 24(1), 31(1)(a) and (b) and 38(1)(a) and (b) were engaged. The Commissioner also finds that the public authority failed to comply with the requirements of sections 10(1), 17(1) and 17(3)(b) in its handling of the request.

Steps Required

50. The Commissioner requires the public authority to take the following steps to ensure compliance with the Act:
- disclose to the complainant all information that falls within the scope of his request, apart from that in relation to which sections 23(1) and 40(2) are engaged.

51. The public authority must take the steps required by this notice within 35 calendar days of the date of this notice.

Failure to comply

52. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Other matters

53. Although they do not form part of this Decision Notice the Commissioner wishes to highlight the following matters of concern:

The Commissioner's published guidance on internal reviews states that a review should be conducted within 20 working days, unless there are exceptional circumstances, in which case the review period may be extended to 40 working days. In this case the Commissioner notes that there appeared to be no exceptional circumstances, but that the public authority failed to provide the outcome to the review within 20 working days. Neither did the public authority respond with the outcome to the review within 40 working days. The public authority should ensure that internal reviews are carried out promptly in future.

Right of Appeal

54. Either party has the right to appeal against this Decision Notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
Arnhem House,
31, Waterloo Way,
LEICESTER,
LE1 8DJ

Tel: 0845 600 0877

Fax: 0116 249 4253

Email: informationtribunal@tribunals.gsi.gov.uk.

Website: www.informationtribunal.gov.uk

If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is sent.

Dated the 27th day of May 2010

Signed

**Graham Smith
Deputy Commissioner**

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

Legal Annex

Section 1

Section 1(1) provides that -

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

Section 10

Section 10(1) provides that –

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

Section 17

Section 17(1) provides that -

"A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which -

(a) states that fact,

(b) specifies the exemption in question, and

(c) states (if that would not otherwise be apparent) why the exemption applies."

Section 17(3) provides that -

"A public authority which, in relation to any request for information, is to any extent relying on a claim that subsection (1)(b) or (2)(b) of section 2 applies must, either in the notice under subsection (1) or in a

separate notice given within such time as is reasonable in the circumstances, state the reasons for claiming -

(a) that, in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the authority holds the information, or

(b) that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information."

Section 23

Section 23(1) provides that –

"Information held by a public authority is exempt information if it was directly or indirectly supplied to the public authority by, or relates to, any of the bodies specified in subsection (3)."

Section 23(3) provides that –

"The bodies referred to in subsections (1) and (2) are-

- (a) the Security Service,
- (b) the Secret Intelligence Service,
- (c) the Government Communications Headquarters,
- (d) the special forces,
- (e) the Tribunal established under section 65 of the Regulation of Investigatory Powers Act 2000,
- (f) the Tribunal established under section 7 of the Interception of Communications Act 1985,
- (g) the Tribunal established under section 5 of the Security Service Act 1989,
- (h) the Tribunal established under section 9 of the Intelligence Services Act 1994,
- (i) the Security Vetting Appeals Panel,
- (j) the Security Commission,
- (k) the National Criminal Intelligence Service, and
- (l) the Service Authority for the National Criminal Intelligence Service."

Section 24

Section 24(1) provides that –

“Information which does not fall within section 23(1) is exempt information if exemption from section 1(1)(b) is required for the purpose of safeguarding national security.”

Section 31

Section 31(1) provides that –

“Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice-

- (a) the prevention or detection of crime,
- (b) the apprehension or prosecution of offenders”

Section 38

Section 38(1) provides that –

“Information is exempt information if its disclosure under this Act would, or would be likely to-

- (a) endanger the physical or mental health of any individual, or
- (b) endanger the safety of any individual.”

Section 40

Section 40(2) provides that –

“Any information to which a request for information relates is also exempt information if-

- (a) it constitutes personal data which do not fall within subsection (1), and
- (b) either the first or the second condition below is satisfied.”