

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 17 September 2024

**Public Authority:** Northern Ireland Office  
**Address:** 1 Horse Guards Road  
London  
SW1A 2HQ

### Decision (including any steps ordered)

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1. The complainant has requested information about 'The Home Protection Scheme'. The Northern Ireland Office (NIO) refused the request under section 24(1) (national security) of FOIA.
2. The Commissioner's decision is that the NIO was entitled to rely on section 24(1) of FOIA to refuse the request.
3. The Commissioner does not require further steps.

### Request and response

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4. On 10 November 2023, the complainant wrote to the NIO and requested information in the following terms:  

"PSNI has informed me that you run the 'The Home Protection Scheme': "Please note; The reference to 'Toughened Glass' relates to 'The Home Protection Scheme' which is a scheme run by The Northern Ireland Office."

  1. Please provide the total number of applications for assistance under The Home Protection Scheme you accepted in 2022/23 and their total value.
  2. Please provide the number of applications from PSNI officers you accepted in 2022/23 for assistance under the scheme.
  3. Please provide the total amount you paid in respect of these applications from PSNI officers."
5. The NIO responded on 1 December 2023. It stated that all of the requested information was exempt under section 24 of FOIA.

6. The complainant requested an internal review on 6 December 2023.
7. The NIO provided its internal review on 9 January 2024 in which it maintained its original position.

## **Scope of the case**

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8. The complainant contacted the Commissioner on 14 January 2024 to complain about the way their request for information had been handled.
9. The Commissioner considers that the scope of his investigation is to determine if the NIO was entitled to withhold the requested information under section 24(1) of FOIA.

## **Reasons for decision**

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### **Section 24(1) – National security**

10. Section 24(1) states 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”.

11. Section 1(1)(b) is the duty to communicate the requested information to the requester.
12. FOIA does not define the term ‘national security’. However in *Norman Baker v the Information Commissioner and the Cabinet Office* (EA/2006/0045 4 April 2007) the Information Tribunal was guided by a House of Lords case, *Secretary of State for the Home Department v Rehman* [2001] UKHL 47, concerning whether the risk posed by a foreign national provided grounds for his deportation. The Information Tribunal summarised the Lords’ observations as follows:
  - ‘national security’ means the security of the United Kingdom and its people;
  - the interests of national security are not limited to actions by an individual which are targeted at the UK, its system of government or its people;
  - the protection of democracy and the legal and constitutional systems of the state are part of national security as well as military defence;

- action against a foreign state may be capable indirectly of affecting the security of the UK; and,
  - reciprocal co-operation between the UK and other states in combating international terrorism is capable of promoting the United Kingdom's national security.
13. Furthermore, in this context the Commissioner interprets 'required for the purpose of' to mean 'reasonably necessary'. Although there has to be a real possibility that the disclosure of requested information would undermine national security, the impact does not need to be direct or immediate.
14. In its submissions to the Commissioner the NIO said that the Home Protection Scheme (HPS) "is a threat-led scheme with established admission criteria which provides limited protective security measures for those in certain occupations assessed to be at significant risk of terrorist attack", including but not limited to PSNI officers. It went on to say that "HPS applicants are typically engaged in occupations or activities considered pertinent to the preservation of the national security of the United Kingdom."
15. The NIO argued that release of the requested information into the public domain would provide malicious parties with a more detailed account of the protection measures put in place by the UK government to safeguard national security. Disclosure would therefore, "have an adverse effect on national security by undermining the safety of those in public service, both with protection measures and those without."
16. The complainant argued that the NIO's decision to withhold this information in response to their request was not justifiable. They went on to say that the NIO had exaggerated the risk posed by the release of the information. They suggested that there was a lack of significant threat posed following a PSNI data breach.<sup>1</sup> They also referred the Commissioner to a successful request made to PSNI for information relating to PSNI officers who received financial assistance through its Home Security Aid scheme in 2022/23.<sup>2</sup>
17. Having viewed the specific requested information in this case, the Commissioner accepts that there is a real risk that disclosing the

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<sup>1</sup> <https://ico.org.uk/about-the-ico/media-centre/news-and-blogs/2024/05/psni-facing-a-750k-fine-following-spreadsheet-error-that-exposed-the-personal-information-of-its-entire-workforce/>

<sup>2</sup> [https://www.whatdotheyknow.com/request/resignations\\_in\\_august\\_2022\\_and#incoming-2465960](https://www.whatdotheyknow.com/request/resignations_in_august_2022_and#incoming-2465960)

information would provide an insight into the capabilities and overall scope of the scheme which would, consequently, impact its effectiveness.

18. The Commissioner notes the complainant's argument that the requested information is similar to that previously disclosed by PSNI. However the Commissioner understands that the Home Security Aid scheme is operated by PSNI to install physical security measures at police officers' homes. The HPS is a separate scheme, open to a wider range of applicants, and with separate criteria and provisions. The Commissioner is not persuaded that the two schemes can usefully be used as direct comparators for the purposes of assessing the NIO's reliance on section 24 in this case.
19. Having considered all the above, and his guidance on section 24,<sup>3</sup> the Commissioner accepts that the exemption at section 24(1) of FOIA is correctly engaged in respect of this request, on the basis that withholding the requested information is necessary for the purpose of safeguarding national security.

### **Public interest test**

20. Section 24(1) is a qualified exemption and therefore the Commissioner must consider the public interest test. The requested information must be disclosed unless, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the requested information.

### **Public interest arguments in favour of disclosure**

21. The NIO acknowledged that FOIA has an underlying element of openness and transparency which release of the requested information would endorse. Disclosure of the requested information would reassure the public that the measures the government has put in place to safeguard national security are proportionate, necessary and effective.
22. The NIO also recognised that disclosure would reinforce public confidence in national security measures, including those afforded to PSNI officers.

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<sup>3</sup> <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/section-24-safeguarding-national-security/>

### **Public interest arguments in favour of maintaining the exemption**

23. The NIO reiterated that the HPS aims to mitigate national security threats by providing protection measures to those in public service concerned with the effective administration of Government and the criminal justice system, upholding law and order and maintaining the democratic framework. In the NIO's view it follows that there is inherently a significant public interest in protecting national security.
24. The NIO considered it overwhelmingly the case that it would not serve the public interest to disclose information which would jeopardise the effectiveness of measures in place to protect national security.

### **Balance of the public interest test**

25. The Commissioner accepts that there is a legitimate, albeit limited, public interest in disclosing the requested information. This is to the extent that it would provide reassurance that the measures the UK government has put in place to safeguard national security are proportionate, necessary and effective.
26. However, the Commissioner is mindful that, in finding that the exemption at section 24 is engaged, he has accepted that disclosure would have a harmful effect on national security. The Commissioner is obliged to take into account the considerable public interest inherent in maintaining this exemption, as well as specific factors that apply in relation to the requested information.
27. The Commissioner has attached significant weight to the NIO's argument that protective measures such as the HPS are needed in the context of a credible threat to security. The Commissioner further accepts that releasing the specific requested information about the HPS would enable malicious parties to better understand the capabilities of the scheme and as a result undermine its effectiveness and put people in harm's way.
28. The Commissioner is thus satisfied that there is a considerable public interest in maintaining the exemption. He is not persuaded that there is an equally considerable public interest in disclosure of the specific requested information in this case. Therefore, it is the Commissioner's conclusion that the public interest in maintaining this exemption clearly outweighs the public interest in disclosure.

## Right of appeal

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29. 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  
LEICESTER  
LE1 8DJ

Tel: 0203 936 8963  
Fax: 0870 739 5836  
Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

30. 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.
31. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Sarah O’Cathain**  
**Senior Case Officer**  
**Information Commissioner’s Office**  
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**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**