

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 12 December 2024

**Public Authority:** National Police Chiefs Council  
**Address:** NPFDU PO Box 481,  
Fareham,  
Hampshire  
PO14 9FS

### **Decision (including any steps ordered)**

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1. The complainant requested information about converted guns seized by UK police forces. NPCC disclosed some information, however it refused to disclose the remainder ("the withheld information") citing sections 24(1) and 31(1) as a basis for non-disclosure.
2. The Commissioner's decision is that NPCC was entitled to apply section 24(1) of FOIA as a basis for non-disclosure of the withheld information. As he has found section 24(1) to have been properly applied, the Commissioner has not deemed it necessary to consider NPCC's reliance on section 31(1) of FOIA.
3. No steps are required as a result of this decision.

### **Request and response**

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4. On 10 May 2024, the complainant requested information of the following description under FOIA:

"Please may you provide me with:

1. The total number of converted blank-firing guns (converted into live firers) seized by police forces in the UK in 2022 and 2023 - e.g. in 2022 X number of converted blank firers were seized, in 2023 X number of blank firers were seized.

2. The brand of the seized converted guns e.g. in 2022 X number of the converted blank firers were Retay firearms, x number were Ekol firearms etc. In 2023 X number of the converted blank firers were Retay firearms, x number were Ekol firearms etc.

Additional question received 17/05/2024:

3. Was the Skorpion sub machine gun used in the murder of Elle Edwards a converted blank firing gun or a suspected converter blank firing gun? Please explain how you know this in your answer.

I realise forces may have not been able to distinguish the brand for each - or have just not logged it. If this is the case, please just provide the figures you do have for the numbers of each seized brand."

5. On 30 May 2024 NPCC responded. It provided some information within the scope of the request, specifically relating to part 1, but refused to provide the remainder. It cited sections 31(1) and 24(1) of FOIA in response to part 2, and section 30(3) to part 3, as its basis for doing so.
6. NPCC provided an internal review response on 19 June 2024. It upheld its original position relating to part 2 but amended it position to part 3 claiming reliance on section 23(5) as well as 30(3) of FOIA.
7. On 3 December 2024 NPCC contacted the Commissioner to state that it had now provided the complainant with information in response to part 3 of the request. On the same date the complainant contacted the Commissioner to ascertain whether, in light of the fact that certain brands of gun are now being banned by the Government, NPCC would be willing to disclose just the seizure figures for the brands that are being banned, i.e. [named brands] as the brands are in the public domain.
8. The Commissioner contacted NPCC to see whether this would be possible. NPCC stated that it was still withholding the figures as per its original rationale.

## **Reasons for decision**

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### **Section 24 – national security**

9. Section 24(1) of FOIA states that: "Information which does not fall within section 23(1) [information supplied by, or relating to, bodies dealing with security matters] is exempt information if exemption from section 1(1)(b) is required for the purpose of safeguarding the national security."

10. In broad terms, section 24(1) allows a public authority not to disclose information if it considers that the release of the information would make the United Kingdom or its citizens vulnerable to a national security threat.
11. Although there is no definitive definition of national security, the Information Tribunal for *Norman Baker v the Information Commissioner and the Cabinet Office* (EA/2006/0045 4 April 2007) provided the following:
  - “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.

### **NPCC’s view**

12. NPCC considers that the information would allow individuals to infer police abilities to recover and detect firearms. It argues that there is a significant risk that knowledge and understanding of any capabilities that the police have would allow terrorists or individuals to undermine or circumvent the police, thereby prejudicing their ability to maintain national security.
13. As disclosure under FOIA is a disclosure to the world at large, disclosure of the information would limit operational capabilities as criminals / terrorists would gain a greater understanding of the police’s methods and techniques, enabling them to take steps to counter them. This would also provide an indication to any individual who may be undertaking criminal / terrorist activities that the police service may be aware of their presence and taking counter terrorist measures. Confirming the use of techniques, capabilities, methodology and resources could render security measures less effective. This could lead to the compromise of ongoing or future operations to protect the security or infrastructure of the UK and increase the risk of harm to the public.

14. NPCC went on to explain in confidence to the Commissioner further reasons for considering that disclosure of the withheld information could harm national security. Clearly, the Commissioner is limited in what he is able to say about those arguments in this notice. However, he accepts that the arguments relate to the NPCC's view that disclosure of the withheld information would be detrimental to the overall effectiveness of police and security measures.
15. In relation to the complainant's further request to disclose just the seizure figures for the brands that are being banned by the Government, the Commissioner understands that the names of four of these brands are in the public domain. The complainant has specifically asked for the seizure figures in relation to the four specified brands which are in the public domain.
16. NPCC has informed the Commissioner that there will be an amnesty in England and Wales early next year for a brief period during which specified brands of gun can be handed in to the police. After this period, possession of one of these banned brands could result in a prison sentence of ten years.
17. In relation to the amnesty, the police and NPCC are being very careful in what communications are being put out into the public domain. There will be no breakdown of numbers in relation to the seizures. Disclosure of information pertaining to certain types of converted blank firers could potentially identify certain methods and identify firearms in police possession, jeopardising any ongoing investigations surrounding it. This risk increases if the seizure figures of guns made by certain manufacturers are disclosed.

### **Is the exemption engaged?**

18. The Commissioner has considered the arguments put forward by the complainant and the NPCC. He has also consulted his guidance on section 24.<sup>1</sup>
19. Having considered the arguments put forward in this case, the Commissioner is satisfied that the exemption from the duty to disclose

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<sup>1</sup> <https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/freedom-of-information-and-environmental-information-regulations/section-24-safeguarding-national-security>

the information is required for the purpose of safeguarding national security. The exemption is therefore engaged.

20. Section 24(1) is a qualified exemption and therefore subject to the public interest test as set out in section 2 of FOIA.

### **Public interest test**

#### **Public interest arguments in favour of disclosing the withheld information**

21. The complainant believes that it is against the public interest to withhold the information in part 2 of their request. Their argument is that criminals are already clearly aware of these blank firing gun brands and are converting them in increasing numbers. It is therefore important to highlight the most problematic brands so there can be a public discussion about what actions can be taken to address the issue.
22. NPCC recognises that there is a public interest in knowing that policing activity is appropriate and balanced in matters of national security. There is a public interest in being better informed about measures being taken by the police to protect national security.

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

23. NPCC argues that police forces' capabilities of combating serious crime are sensitive issues of intelligence value to those intent on committing crime and in respect of these issues disclosing the withheld information would not be in the public interest.
24. It further states that there are certain policing methods that are utilised to investigate firearms crime. Disclosure of information pertaining to certain types of converted blank firers could potentially jeopardise any ongoing investigations surrounding it, as set out in paragraph 17 of this notice, which would not be in the public interest. This is further hampered by the database not being able to identify which investigations are concluded or are ongoing. Providing a list of manufacturers would identify the most commonly recovered converted blank firearms which would in turn identify which were more readily available and more susceptible to conversion.

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

25. The Commissioner recognises that there is a public interest in disclosure of this information, owing to its subject matter. The Commissioner's view is that any information that concerns efforts by police forces to ensure the safety and security of the public will inform the public and improve public confidence and understanding.

26. Turning to the public interest in favour of maintenance of the exemption, in any situation where section 24(1) is found to be engaged, the Commissioner must recognise the public interest inherent in this exemption. Safeguarding national security is a matter of the most fundamental public interest; its weight can be matched only where there are also fundamental public interests in favour of disclosure of the withheld information.
27. In this case the public interest in the maintenance of the exemption concerns preserving the ability of UK police forces to protect the safety of the public by taking measures to enforce effective security. Clearly, that public interest weighs heavily in favour of maintaining the exemption.
28. In conclusion, given the subject matter of the requested information, the Commissioner has recognised the valid public interest in favour of disclosure. He does not, however, believe that it matches the weight of the public interest in avoiding a disclosure that could be detrimental to national security. The finding of the Commissioner is, therefore, that the public interest in the maintenance of the exemption outweighs the public interest in disclosure.
29. As the Commissioner has determined that this exemption is properly engaged, he has not found it necessary to consider the other exemption cited.

## Right of appeal

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30. 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)

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

**Signed .....**

**Deirdre Collins**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**