

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 4 April 2016

**Public Authority:** Home Office  
**Address:** 2 Marsham Street  
London  
SW1P 4DF

### Decision (including any steps ordered)

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1. The complainant requested training materials provided to educational establishments that concern preventing extremism. The Home Office refused to disclose this information under the exemptions provided by the following sections of the FOIA:  
  
24(1) (national security)  
  
31(1)(a) (prejudice to the prevention or detection of crime)  
  
36(2)(c) (prejudice to the effective conduct of public affairs)
2. The Commissioner's decision is that the Home Office cited section 24(1) correctly and so it was not obliged to disclose this information.

### Background

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3. The information identified by the Home Office as within the scope of the complainant's request consisted of a DVD and supporting documents titled *"Workshop to Raise Awareness of Prevent"* (WRAP). *"Prevent"* is part of the Government's counter-terrorism strategy and its *"aim is to stop people becoming terrorists or supporting terrorism."*<sup>1</sup>

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/97976/prevent-strategy-review.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf)

4. The Home Office gave the following description of the withheld information:

*"The Counter-Terrorism and Security Act 2015 imposes a duty on specified authorities to have due regard to the need to prevent people from being drawn into terrorism. This is also known as the Prevent duty. This means reducing the risk of vulnerable people from radicalisation and the identification and referral of those considered to be at risk. The Home Office provides approved training to organisations that will enable staff to carry out this duty to a consistent standard.*

*The Workshop to Raise Awareness of Prevent (WRAP) is a Home Office training package designed for front-line staff. It provides an overview of the Prevent Strategy and ways of identifying individuals vulnerable to radicalisation, as well as those seeking to radicalise others.*

*The [withheld information is] aimed at public sector front line staff covered by the Prevent statutory duty, in both the private and public sector including; social services, the health sector, the education sector, the probation service, offender management units, family protection units and the police."*

## **Request and response**

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5. On 16 June 2015 the complainant wrote to the Home Office and requested information in the following terms:

*"Could you please provide all training / course materials which are provided to schools, colleges and universities regarding monitoring of radicalisation and preventing extremism."*

6. After sending an earlier holding response, the Home Office responded substantively on 24 August 2015. The request was refused, with the exemptions provided by the following sections of the FOIA cited:

24(1) (national security)

31(1)(a) (prejudice to the prevention or detection of crime)

36(2)(c) (prejudice to the effective conduct of public affairs)

7. The complainant responded on 27 August 2015 and requested an internal review. The Home Office failed to complete the review within a reasonable period.

## Scope of the case

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8. The complainant contacted the Commissioner on 25 November 2015 to complain about the refusal of his information request. The complainant indicated that he did not agree that the exemptions cited by the Home Office had been applied correctly.
9. Although the internal review had not been completed by that point, the complaint was accepted at that stage given the delay in the completion of the review and the Home Office was notified that the case was being progressed without waiting any longer for the review to be completed.

## Reasons for decision

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### Section 24

10. The Home Office cited section 24(1), which provides an exemption from the duty to disclose where this is reasonably required for the purposes of national security. Consideration of this exemption involves two stages; first the exemption must be engaged due to the requirement of national security. Secondly, this exemption is qualified by the public interest, which means that the information must be disclosed if the public interest in the maintenance of the exemption does not outweigh the public interest in disclosure.
11. The Commissioner interprets “required” as used in section 24 to mean reasonably necessary. The exemption will, therefore, be engaged if it is reasonably necessary for the purpose of safeguarding national security for the requested information to be withheld.
12. The reasoning of the Home Office for the citing of this exemption concerned the quality with which WRAP training is delivered and its efficacy in preventing extremism. The Home Office explained that these materials are made fully available only to accredited deliverers of WRAP training, who are subject to a confidentiality agreement not to disclose these materials. The Home Office stated that the providers of this training do so under an agreement that enables the Home Office to ensure consistent delivery of these materials.
13. The Home Office believed that unrestricted disclosure of this information could be harmful to the success of the Prevent strategy in a number of ways. These included that it believed that disclosure may lead to these materials being delivered by unauthorised providers in a manner that did not meet the standards required by the Home Office, thus harming the efficacy of the training and ultimately resulting in detriment to the

Prevent strategy. It also believed that disclosure could lead to anti-Prevent groups seeking to discredit or subvert the training materials and could provide information to those who would seek to change their behaviour to evade coming to the attention of Prevent. All of these outcomes would ultimately be harmful to the Prevent strategy.

14. Turning to whether the Commissioner accepts the reasoning of the Home Office, he notes first of all that the reasoning is in the territory of national security. The arguments of the Home Office concern disclosure being detrimental to the Prevent strategy, the aim of which is to prevent terrorism, and so are clearly relevant to national security.
15. As to whether exemption from the duty to disclose this information is reasonably necessary for the purposes of national security, during the investigation of this case, a representative of the Commissioner visited the Home Office and viewed a demonstration of the delivery of the training. Following this demonstration and having further viewed the withheld information, the Commissioner recognises the importance of these materials, which concern a very sensitive subject, being delivered in the manner approved by the Home Office.
16. On the issue of what likelihood there is of any party seeking to use these materials to attack the aims of Prevent, brief research reveals that Prevent is controversial and that there are those who object to it. Amongst these are groups that have campaigned against it. The Commissioner accepts that such groups are likely to seek to highlight in response to disclosure what they regard as flaws or particularly controversial aspects to these materials, and that this in turn may result in detriment to the chances of WRAP training diverting people from extremism.
17. Furthermore, in any case where the possible release of counter-terrorist related recorded information is under consideration, whether the release of those materials may be exploited by extremist individuals and groups is relevant. In this case, as well as the parties referred to in the preceding paragraph that have a particular objection to Prevent, it is likely that there would be extremist individuals and groups that would seek to exploit disclosure of the information in question to the detriment of the Government's counter-terrorist efforts.
18. A counter argument against withholding this information could be made that its content is disclosed each time that the training is delivered. The Commissioner recognises that those who have received the training will have some knowledge of the content of the information, but the Commissioner does not consider this to be equivalent to a full disclosure into the public domain as a result of a request made under the FOIA.

19. Also of possible relevance is that some of this information may have been disclosed into the public domain as a result of unauthorised leaks of information. On this point, the Commissioner's view is that an unauthorised disclosure of this information does not preclude the Home Office from relying on any of the exemptions within the FOIA.
20. The complainant argued that the Home Office should have considered whether it would have been possible to disclose any part of the information in question, rather than withholding it in its entirety. However, the Commissioner agrees with the Home Office that redaction and a partial disclosure would not have been practicable in this case. The nature of the information means that it would not be possible to redact part of the content and, as a result, address the concerns rehearsed above.
21. For the reasons given above, the Commissioner's view is that exemption from the duty to disclose in relation to the information in question is reasonably required for the purposes of national security. His finding is, therefore, that the exemption provided by section 24(1) is engaged.
22. Having found that the exemption is engaged, the next step is to consider the balance of the public interest. In forming a conclusion on the balance of the public interest in this case, the Commissioner has taken into account the considerable public interest inherent in the maintenance of the exemption, as well as the specific factors that apply in relation to the requested information.
23. Covering first factors in favour of disclosure, the Commissioner recognises that there is strong public interest in disclosure of this information owing to its subject matter. The Commissioner's view is that any information that details the anti-terrorist efforts being made by the Government will be the subject of considerable public interest in order to improve knowledge and understanding of the work being undertaken by the Government in this vital area.
24. In this case there is also a particular public interest in the specific materials in question. The controversy relating to WRAP training and Prevent is referred to above. The Commissioner's view is that there is public interest in disclosure of these specific materials in order that the public can assess whether the controversy relating to this information is justified. The combined weight of these public interest factors in favour of disclosure is considerable.
25. 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 requested information.

26. In this case the public interest in the maintenance of the exemption concerns preserving the ability of the Home Office and the Government as a whole to pursue its anti-terrorism efforts. Clearly that public interest weighs very heavily in favour of maintenance of the exemption.
27. In conclusion, the Commissioner has recognised public interest of considerable weight in favour of disclosure given the subject matter of the requested information. 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 and so the Home Office was not obliged to disclose this information.

## **Other matters**

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28. The ICO approach to internal reviews is that they should be completed within a maximum of 40 working days. The Home Office failed to do so in this case and it should ensure that it has appropriate procedures in place to ensure that internal reviews are carried out promptly. A separate record has been made of the delay in the completion of the internal review in this case and this issue may be revisited should evidence from other cases suggest that this is necessary.

## 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: 0300 1234504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: <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.

**Signed .....**

**Ben Tomes**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
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