

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 January 2012

Public Authority: The University of Keele
Address: Staffordshire House
ST5 5BG

Decision (including any steps ordered)

1. The complainant has made a 15 point request for information about counter radicalisation at the University of Keele (the "University"). The University provided the complainant with the information requested at point 13 of the request. The University neither confirmed nor denied whether it held the rest of the requested information under section 23(5) and 24(2) of the Freedom of Information Act 2000 (FOIA).
2. The Commissioner's decision is that the University has correctly neither confirmed nor denied whether it holds the information requested at points 1 to 12, 14 and 15. He therefore requires no further steps to be taken.

Request and response

3. On 7 June 2011, the complainant wrote to the University and requested information in the following terms:

Section 1 – Campus Radicalisation

1. Since 2006, what specific guidance or advice have you been issued with by the Home Office, Ministry of Justice, local PREVENT group, Police and the Regional Counter Terrorism Unit with respect to preventing radicalisation on campus? Please provide copies of any relevant documentation.
2. What steps have you taken to implement any specific guidelines or advice given as detailed in question 1 of this FOI request? Please provide copies of any relevant documentation.

3. Since 2006, how many times have you met with representatives of the Home Office, Ministry of Justice, local PREVENT group, Police and the Regional Counter Terrorism Unit to discuss the prevention of radicalisation on campus?
4. Since 2006, how many students, members of staff and student societies has your institution had cause to investigate due to concerns raised about their alleged radicalisation?
5. Since 2006, how many times have you been so concerned about the behaviour of a member of staff, a student or a student society with respect to radicalisation that it has led you to contact the police?
6. Since 2006, what training have you given to staff and students to help them identify individuals who may have become radicalised while working or studying at your institution?

Section 2 – Encouragement & Glorification of Terrorism

7. Since 2006, what steps have you taken to ensure that staff and students do not publish any material or make public any statement that might potentially encourage or glorify acts of terrorism either in the UK or overseas?
8. What procedures do you have in place to ensure external speakers do not encourage or glorify acts of terrorism while visiting your campus?
9. Since 2006, how many times have you intervened to prevent an individual from speaking on campus due to concerns that they may encourage or glorify acts of terrorism?
10. Since 2006, what is the total number of staff, external speakers and students that your institution has investigated due to concerns raised about their alleged encouragement or glorification of terrorism?

Section 3 – Possession of Material likely to be of assistance to Terrorists

11. Since 2000, what guidelines or advice had your institution been issued with by the Home Office, Ministry of Justice, local PREVENT group, Police and the Regional Counter Terrorism Unit on what material staff and students must not possess with respect to section 57 and 58 of the Terrorism Act 2000.
12. What steps have you taken to comply with any specific guidelines or advice as detailed in question 11 of this FOI request?

13. Since 2006, with respect to terrorism related modules taught at your institution, have you at any time reviewed either the course content or the reading list of such modules?
 14. Since 2000, what training have you given to staff and post graduate students who teach or research terrorism to ensure that they do not inadvertently fall foul of section 57 and 58 of the Terrorism Act concerning the possession of material likely to be useful to a person committing or preparing an act of terrorism?
 15. Since 2000, what is the total number of staff, students and visiting speakers that you have investigated due to concerns raised about their possession of material likely to be useful to a person committing or preparing an act of terrorism?
4. The University provided a response to the complainant on 17 June 2011 in which it provided him with part 13 of the request. It neither confirmed nor denied whether it held the information contained at parts 1, 2, 3, 5 and 11 of the request under section 23(5). It neither confirmed nor denied whether it held the information contained at parts 4, 5, 6, 7, 8, 9, 10, 12, 14 and 15 of the request under section 24(2). It provided the complainant with the information he had requested at part 13 of the request.
 5. The complainant requested an internal review of the public authority's decision on 17 June 2011. On 24 June 2011 the University wrote to the complainant with the result of the internal review, it upheld its original response.

Scope of the case

6. The complainant contacted the Commissioner to complain about the way his request for information had been handled. The Commissioner has considered whether section 23(5) and section 24(2) were applied correctly in this case.

Reasons for decision

Section 23(5)

7. Section 23(5) of the FOIA provides that, the duty to confirm or deny does not arise if it would involve the disclosure of any information (whether or not already recorded) which was directly or indirectly

supplied to the public authority by, or relates to, any of the bodies specified in section 23(3).

8. The bodies specified in section 23(3) include, the Security Service, the Secret Intelligence Service, the Government Communications Headquarters, the special forces, the Tribunal established under section 65 of the Regulation of Investigatory Powers Act 2000, the Tribunal established under section 7 of the Interception of Communications Act 1985, the Tribunal established under section 5 of the Security Services Act 1989, the Tribunal established under section 9 of the Intelligence Services Act 1994, the Security Vetting Appeals Panel, the Security Commission, the National Criminal Intelligence Service and the Service Authority for the National Criminal Intelligence Service.
9. In relation to points 1, 2, 3, 11 and 12 of the request the University has argued that the information requested, if held, would be supplied by or relate to at least one of the bodies listed under section 23(3). The University has provided the Commissioner with further information in support of this which is contained at paragraph 1 of the confidential annex attached to this Notice. Upon viewing requests 1, 2, 3, 11 and 12 and the University's submissions contained at paragraph 1 of the confidential annex, he accepts that if the information were held, it would have been supplied by or would relate to one of the security bodies specified in section 23(3).

Section 24(2)

10. Section 24(2) provides that, the duty to confirm or deny does not arise if exclusion of the duty is required for the purposes of safeguarding national security.
11. The University has applied section 24(2) to parts 4, 6 to 10 and 14 to 15 of the request. It has explained that is necessary to neither confirm nor deny whether this information is held in order to safeguard national security. It has provided arguments to demonstrate that confirming or denying if the requested information is held would undermine the government's 2006 Counter Terrorism Policy and PREVENT strategy. It has provided further submissions to the Commissioner in relation to this which are contained in the Confidential Annex attached to this Notice. The University has related its submissions appropriately to each part of the request.
12. Taking into account the University's arguments contained within the confidential annex attached to this Notice, the Commissioner considers that section 24(2) was correctly engaged in relation to points 4, 6, to 10 and 14 to 15 of the request. The Commissioner has therefore gone on to

consider the public interest arguments in relation to these parts of the request.

Public interest arguments in favour of confirming or denying whether or not the requested information is held

13. The University submitted the following public interest arguments in favour of neither confirming nor denying whether the requested information is held:
- Confirming or denying whether or not the requested information was held could improve transparency of the threats of terrorism specifically relating to the University and also in terms of any actions taken by the University to prevent terrorism.
 - Confirming or denying would also promote accountability of the University in terms of what, if any, preventative measures are being taken.

Public interest arguments in favour of maintaining the exemption

14. The University submitted the following public interest arguments in favour of maintaining the exemption:
- There is a strong public interest in protecting the government's 2006 Counter Terrorism Policy and PREVENT strategy.
 - Confirming or denying whether the requested information is held could cause an increased threat to the University, its local community and to other universities.
 - It is in the public interest that information relevant to national security is shared openly between the University and the police and other relevant bodies. If the University were to confirm or deny whether the requested information is held this may undermine the sharing of this type of information in the future which is not in the public interest.

Balance of the public interest arguments

15. The Commissioner considers that there is a public interest in the University being open and transparent about the way it operates and in it being accountable for actions that are taken or not taken. He considers that due to the subject matter of the request disclosing whether relevant information is held would support the public interest in the University being open, transparent and accountable.

16. However the Commissioner considers that there is a very strong public interest in not undermining the government's counter terrorism policy and PREVENT strategy or causing any increase to any terrorist threat.
17. The Commissioner also considers there is a very strong public interest in the free flow of information between universities and the police and any security body to prevent radicalisation and terrorism.
18. In this case the Commissioner considers that the public interest in favour of confirming or denying whether the information is held is outweighed by the public interest in favour of maintaining the exemption.

Section 23(5) and Section 24(2)

19. In relation to point 5 of the request, the University has neither confirmed nor denied whether this information is held under either section 23(5) or section 24(2).
20. The Commissioner accepts that this approach is necessary where identifying the exemption actually being relied on will reveal whether a security body was involved with the issue.
21. Upon considering the arguments provided by the University in relation to either of the exemptions, for the reasons given above the Commissioner considers that either section 23(5) or 24(2) was correctly engaged in relation to the information requested at point 5 of the request.

Right of appeal

22. 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

23. 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.
24. 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

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