

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 May 2020

Public Authority: Manchester City Council
Address: Town Hall
Manchester
M2 5DB

Decision (including any steps ordered)

1. The complainant has requested information about the 'Empowering mothers against radicalisation' project funded by Manchester City Council.
2. The Council provided some information but refused the remainder citing sections 24(1) – national security and 43(2) – commercial interests, of the FOIA. On review the Council maintained its reliance on section 24(1) and added section 38(1) – health and safety, but dropped the application of section 43(2), saying it did not hold the information to which it applied.
3. The Commissioner's decision is that Manchester City Council is entitled to rely on section 24(1) to withhold the information, and as a result it has not been necessary to consider the application of section 38(1). She concludes that on the balance of probability, the Council does not hold the remainder of the information.
4. No steps are required to comply with the legislation.

Request and response

5. On 10 July 2019, the complainant wrote to Manchester City Council and requested information in the following terms:
- 1) *Will Empowering Minds Consultancy LTD receive funding for their 'Empowering Mothers against grooming and radicalisation project' for 2019/20 financial year?*
 - 2) *If so, how much funding will Empowering Minds Consultancy LTD receive for their 'Empowering Mothers against grooming and radicalisation project' for 2019/20*
 - 3) *How many cohorts will the Empowering Minds Consultancy be delivering in 2019/20 as part of their 'Empowering Mothers against grooming and radicalisation project'?*
 - 4) *Which areas in Manchester will Empowering Minds Consultancy be delivering in 2019/20 as part of their 'Empowering Mothers against grooming and radicalisation project'?*
 - 5) *What are the projected outcomes of the 'Empowering Mothers against grooming and radicalisation'?*
 - 6) *Can you provide us with the course materials that are being used to deliver the 'Empowering Mothers against grooming and radicalisation project'?*
6. On 19 July 2019 Manchester City Council responded. It provided some information within the scope of the request but refused to provide the remainder. It cited the following exemptions: section 24 – national security (questions 2, 3 & 4); and section 43(2) – commercial interests (question 6)
7. The complainant requested an internal review on 13 September 2019. The Council sent the outcome of its internal review on 11 October 2019. It upheld its original position regarding section 24, and also applied section 38(1) – health and safety - for question 4. For question 6 said it did not hold the information.

Scope of the case

8. The complainant contacted the Commissioner on 23 October 2019 to complain about the way her request for information had been handled.

She considered that a degree of transparency was required regarding the Prevent agenda, under which the *'Empowering Mothers against grooming and radicalisation project'* (Empowering Mothers Project) was funded, particularly as concerns had been raised about the project's inability to engage communities. She also noted that information about the programme was already in the public domain, as highlighted through a number of newspaper articles. For context, the Prevent Strategy (or agenda) forms part of the government's four strand counter-terrorism strategy (known as CONTEST) and aims to prevent ideological radicalisation and extremism.

9. In response to the Commissioner's investigation, the Council maintained its reliance on section 24 for question 2, 3 and 4, but in addition it also applied section 38(1) – health and safety, to question 4 (the geographical areas of training delivery). For question 6, it maintained it did not hold the information.
10. The Commissioner therefore considers the scope of the case to be whether the Council is entitled to rely on section 24(1) – national security, and section 38(1) – health and safety, to withhold the information, and whether it is correct to say it does not hold the information under question 6 about the course materials.

Reasons for decision

Section 24 – national security

11. Section 24(1) provides an exemption from the duty to disclose information where this is reasonably required for the purposes of safeguarding national security. If the information falls within the exemption, it is then subject to the public interest test.
12. The FOIA does not provide a definition of national security, but based on previous tribunals¹, the Commissioner considers it to mean the security of the United Kingdom and its people. It includes matters such as the protection of democracy and the legal and constitutional systems of the state; military defence; and co-operation with other states in combatting terrorism.

¹ *Norman Baker v the Information Commissioner and the Cabinet Office* (EA/2006/0045 4 April 2007); *Secretary of State for the Home Department v Rehman* [2001] UKHL 47.

13. 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. The Commissioner has issued guidance on the application of section 24², and in practical terms this means that *'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'*. However, the effect does not have to be direct, or immediate.
14. The Council has provided individual arguments for each of the questions where it has withheld information. Whilst there is some overlap in these arguments, the Commissioner considers it appropriate to deal with each question separately to determine whether all the withheld information falls within section 24.

Question 2 – the amount of funding provided to Empowering Minds for delivery of the 'Empowering Mothers Project'.

15. The Council has explained that the amount of funding it receives for the Empowering Mothers Project is based on a number of factors, including the extent to which this type of project would be effective in preventing grooming and radicalisation, and the number of cohorts to be delivered. This, in turn, provides an indicator of the risk of radicalisation and levels of concern in Manchester. This would be desirable to extremists, particularly if combined with other information, enabling them to assess the extent of anti-radicalisation strategies in communities and launch counter activities, thereby undermining the Council's counter-terrorism work under Prevent to safeguard vulnerable young people those susceptible to radicalisation.
16. The Council acknowledges that it is difficult to specify the precise information extremists might already have about counter-terrorist work in the city and levels of radicalisation. However, it is safe to say that extremists are adept at seeking the information and support they need to further their aims.

² https://ico.org.uk/media/for-organisations/documents/1174/safeguarding_national_security_section_24_foi.pdf

17. The Council asserts that should information about the funding received be disclosed, it would assist extremists in building up a 'threat map' of where public authorities have identified a higher risk of radicalisation. The 'threat map' could include information already known to extremists as well as that released through previous and future FOIA requests to public authorities. Not only might this reveal where risk of radicalisation and grooming is highest, it could also show where there is little Prevent work and provide valuable information to extremists about which areas and young people might be easier targets for their radicalisation efforts.

Question 3 - the number of Empowering Mothers cohorts

18. Similar to the disclosure of funding, the Council believes that information about the number of cohorts would highlight the extent to which the intelligence held by the Council and the Home Office (who provides the funding) suggests that children and young people are vulnerable to radicalisation in the city. It would be reasonable to interpret that the number of cohorts would be relative to the degree of risk of radicalisation in Manchester and targeted prevention, and compared with information known about elsewhere in the UK, enable extremists to target their activities accordingly, either because it highlights the highest identified risk areas, and conversely those where there is lowest risk, but little or no Prevent work.
19. The Council also considers that disclosure of the number of cohorts would indicate the degree of funding, especially when combined with information that may be available in other council areas about Prevent funding, and reveal levels of assessed risk.

Question 4 - areas of delivery for the 'Empowering Mothers Project'

20. The Council has explained that Manchester is a diverse, cosmopolitan city comprising 32 wards. Disclosure of the specific areas of delivery would showcase those areas deemed to have the highest level of risk of children and young people being radicalised and drawn into terrorism. This would enable extremists to target their own grooming and radicalisation efforts to maximum effect and undermine the efforts of the Council to prevent it. This could be done by discouraging potential participants from engaging with the project, or by identifying areas where there are gaps in delivery and there where extremists could be most effective.
21. For these reasons the Council states that Empowering Minds were explicitly instructed to ensure that delivery areas were not put into the public domain. The Council notes that any information that is available online or in the public domain may not be accurate, and that revealing

the areas of delivery will confirm the accuracy of this one way or another.

22. The Council also considers that disclosure of the geographical areas could well lead to community tensions, suspicions and family tensions, as families, neighbours, and communities may become overly concerned about potential threats. Exact locations could be identified, discouraging people from attending, thereby undermining the entire project.

Summary

23. The Council maintains that individuals and groups '*looking to thwart efforts to prevent radicalisation and grooming are increasingly adept at tailoring their approach and spotting weaknesses*'. Disclosure of the information withheld under section 24(1) would contribute to the public's, which includes extremists and terrorists, knowledge of the 'threat map' and activities to mitigate these threats. Combined with other intelligence, this enables extremists to undermine the Prevent Strategy and associated counter-terrorist work, which would compromise efforts to safeguard the country's national security.
24. Whilst the withheld information on its own may not immediately appear to be particularly sensitive, when combined with other information that is already available to extremists and terrorists, and anything that may be available in the future through FOIA requests or other channels, the sensitivity of the information changes. The Commissioner therefore accepts the 'threat map' arguments put forward by the Council that withholding of the information is 'reasonably required' to safeguard the UK's national security.

Public interest test

25. Section 24(2) is a qualified exemption. Therefore, the Commissioner is required to consider whether, 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 confirming whether the Council holds the requested information.

The Complainant's View

26. The complainant does not consider section 24(1) to apply to the withheld information as the Director of Empowering Minds has already spoken publicly about the Prevent agenda and the Empowering Mothers Project' and have disclosed that they are Home Office funded. She has provided links to newspaper articles where 'Empowering Minds' has spoken publicly about delivery of the project.

27. The complainant maintains that there is public interest in transparency of the Prevent agenda, where concerns have been already been raised in this regard, which she considers has resulted from its inability to effectively engage with communities. She has also brought the Commissioner's attention to another public authority that has been content disclose the same requested information.
28. Additionally, she asserts that information will be available after delivery of the programme has been completed, and could therefore still be used to *'ascertain the extent of the Empowering Minds Project in Manchester'*

The Council's View

29. The Council accepts that there is a high degree of public interest in transparency relating to the extent and effectiveness of counter-terrorism operations, including public money spent on terrorism. As the complainant has expressed concerns that the broader Prevent strategy is not engaging effectively with communities, disclosure would enable the public to understand the extent of Prevent activities.
30. It also considers that transparency can promote the trust of citizens and organisations towards the Council, and disclosure holds the Council to account in terms of its Prevent duty, a duty required under The Counter-Terrorism and Security Act 2015. It provides the public with a greater understanding of how it is working with other organisations to tackle radicalisation at a grass roots level.
31. However, the Council is very mindful of the extent that extremists will go to to seek out and radicalise young people, gathering all available information including that which, as in this request, might seem fairly general. It states that *'individuals looking to thwart efforts to prevent radicalisation and grooming are increasingly adept at tailoring their approach and spotting weakness to target individuals within areas and communities'*. This is a significant factor in determining the risk posed to the safety of national security by disclosing the information.
32. The Council notes that the project was live at the time of the request, and the risk posed by disclosure was real, even if not direct. It considers that disclosure of the extent of the project through funding information or number of cohorts, and location of delivery, could undermine the project and adversely affect its outcomes by creating tensions and weakening engagement. This would prejudice the effectiveness of the Prevent agenda as part of the government's anti-terrorist strategy CONTEST, which would clearly be contrary to the public interest. Women attending the courses have themselves requested that information about location not be made publicly available for fear of the stigma attached to them.

33. The Council has disclosed some information requested, including confirmation that funding is given to Empowering Minds for the Empowering Mother Project, as well as the project's outcomes, and considers this transparency demonstrates how the Council is tackling extremism under the Prevent Agenda.

34. The Council concludes:

'we assess that safeguarding national security is of paramount importance. The public interest in withholding the information relating to the Empowering Mothers project is more substantial when compared with the public interest in disclosing the information. There is a significant and weighty interest public interest in avoiding harm to national security and harm to the public'

The Commissioner's View

35. The Commissioner agrees with the complainant's position regarding the importance of transparency in terms of public funding, and more specifically regarding the Prevent work undertaken by the Council, given the contention surrounding Prevent within the CONTEST strategy. She is not, however, persuaded by the fact that because some or all of the information maybe available through the supplier payment details at a later date, it should therefore be disclosed as part of this request. As already noted, the project was live at the time of the request and that is the time at which public interest arguments need to considered. In any event, the Commissioner has no idea how supplier information is, or would be presented by the Council, and if it would be exactly the same as requested here. Therefore, this is not an argument she can reasonably consider.

36. The fact that other public authorities have responded to the same request and disclosed the information does not set a precedent for every public authority to do the same. Each request and response must be considered individually, and the risks identified by the Council in this case do not change simply because another Council has taken a different approach. The Commissioner is mindful of the 'threat map' argument, and information gradually disclosed by public authorities assisting extremists in gathering intelligence to further their own strategies to undermine the Prevent work or target areas where there is no such activity. A number of other Councils receiving the same request have refused to either confirm or deny it holds any of the information requested for this very reason, as confirmation or denial of the delivery of Empowering Mothers project would facilitate the development of the threat map. In these cases, the Commissioner has upheld the application of 24(2).

37. The Council has made reference to the fact that Manchester has been the centre of terrorist attacks, and as recently as 2017 when 23 people died in the Manchester Arena bombing. The radicalisation of young people and the risks of young people being drawn into terrorism are real and significant concerns for Manchester and the country as a whole. Early detection and prevention is recognised as a key counter-terrorism strategy, of which Prevent plays a major part. The threat of a terrorist attack against the UK country then, and now, is substantial, meaning an attack is likely. The Commissioner agrees with the Council that in these circumstances, the importance of safeguarding national security is paramount and therefore the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
38. In light of this finding, the Commissioner has not gone on to consider the Council's application of section 38.

Section 1

39. Section 1(1) of the FOIA states 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.'

40. When the Council responded to the request, it withheld the information to question 6 – course materials, under section 43(2) of the FOIA – commercial interests. However, in its review response the Council change its position and said it did not hold the information requested.
41. The Commissioner asked the Council to explain why it had initially determined it did hold the information, but on review said it did not. It said that that when it first considered the request, it considered documentation concerning funding as well as communication between the Council and the Home Office. However, at review stage a new search was undertaken, when it discovered the information about course materials was not held. It explained that this information was not required by the Council and is held by the Home Office, who approved the Empowering Mothers Project in Manchester. The Council apologies for this error and accepts that an explanation of this would have been helpful to the complainant.
42. The Commissioner has no reason to doubt the Council's explanation, and the complainant has not provided information to indicate she believes the change in the Council's position is of particular concern. The

Commissioner therefore concludes that on the balance of probability, the Council does not hold the information about course materials.

Right of appeal

43. 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@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

44. 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.
45. 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

Andrew White

Head of Department

Information Commissioner's Office

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