

CORPS RELAY

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CORPS
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SECURITY

Member of Armed Forces Charged Under Official Secrets Act

Following an investigation by the Metropolitan Counter Terrorism Police, Thomas Newsome, a serving member of the UK's Armed Forces, has been charged with offences under the Official Secrets Act. On Friday 21 April 2023, Mr Newsome was charged at Westminster Magistrates Court for offences contrary to section 2 and section 8 of the Official Secrets Act 1989. It is alleged that he disclosed information relating to defence which could have damaging consequences and will appear later for sentencing at Westminster Magistrates Court. Mr Newsome has not been released on bail.



Hacked CEO sentenced for failing to fulfil General Data Protection Regulation (GDPR) requirements

The Helsinki District Court issued Ville Tapio, the former CEO of physiotherapy company Vastaamo, a 3 month suspended sentence for not ensuring the company fulfilled its requirements under GDPR. Tapio had previously lost his job after it was revealed that the failure to pseudonymise (remove identifiable names) and encrypt patient data handled by Vastaamo resulted in sensitive information about tens of thousands of patients being stolen when the database was hacked. This included the theft of personal therapy notes from sessions with patients, with some very private information, including extracts from diaries, diagnoses, and contact information of patients

being published on the dark web. The breach was seen as particularly reprehensible due to the highly sensitive nature of the information involved and the scale of the breach.

Whilst this case is from Finland, GDPR laws still apply in the UK as they have been retained in domestic law and are monitored by the Information Commissioner Office. Furthermore, this case evidences the liability that directors have in relation to serious data breaches within their businesses and should act as a reminder to business leaders about the potential legal impacts should a serious cyber attack occur.

Facewatch Facial Recognition have been Awarded The Surveillance Camera Code of Practice

The decision by the Information Commissioner's Office (ICO), following a case brought against Facewatch by Big Brother Watch, found in favour of Facewatch. A formal assessment by the ICO has concluded that Facewatch is fully compliant with the UK Data Protection law. The ICO findings confirmed the right of retailers to protect their customers, staff, and goods from criminal acts by using live facial recognition technology such as

that provided by Facewatch. Facewatch have also been awarded a certification mark for meeting all requirements of the Surveillance Camera Code of Practice (SCCP), specifically for the use of live facial recognition. The certification, given by The Biometrics and Surveillance Camera Commissioner, Professor Fraser Sampson, enables Facewatch to use their Automatic Facial Recognition within their customers' premises.

The government has set out guidelines to regulate 'responsible use' of artificial intelligence (AI)

As ChatGPT becomes more widely known, it provides a reminder of the power and importance of AI for our current and future lives. This is a growing market and in 2022 computer-backed AI contributed £3.7bn to the UK economy, performing tasks in everyday life without the need for human interaction. The majority of these functions are subtle tasks/roles completed within programmes that the user will never see, but also extends to the more obvious chatbots with the capabilities to interpret questions and respond with human-like answers as well as picking out objects or people in images. This is particularly noticeable in March 2023 when OpenAI's ChatGPT became only the second AI chatbot to ever pass the Turing test (in 2022, Google's LaMDA chatbot became the first to pass), a test of computer intelligence where a person is unable to distinguish the answers from the machine from those of a human when asked the same question.

While much of AI's scope can be put to good use in delivering real social and economic benefits for people, it could potentially be used to harmfully spread misinformation and much worse. A white paper from the Department for Science, Innovation and Technology proposes rules for general purpose AI, including those which underpin chatbot ChatGPT. The white paper outlines five principles that the regulators should consider enabling a safe and innovative use of AI in the industries they monitor:

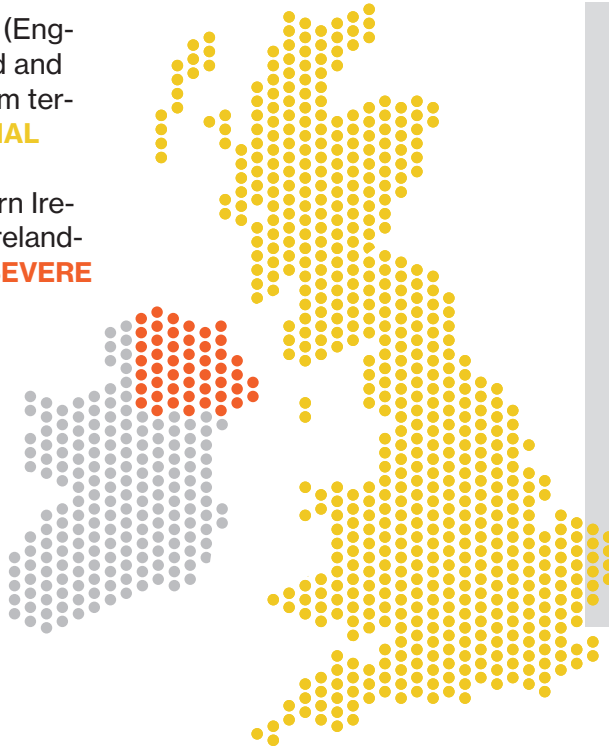
- Safety, security, and robustness
- Transparency and 'explainability'
- Fairness
- Accountability and governance
- Contestability and redress

Over the next year, regulators will issue practical guidance to organisations to set out how to implement these principles in their sectors.

Current National Threat Level

The threat to the UK (England, Wales, Scotland and Northern Ireland) from terrorism is **SUBSTANTIAL**

The threat to Northern Ireland from Northern Ireland-related terrorism is **SEVERE**



NOTE:

Threat levels are designed to give a broad indication of the likelihood of a terrorist attack

LOW means an attack is highly unlikely

MODERATE means an attack is possible, but not likely

SUBSTANTIAL means an attack is likely

SEVERE means an attack is highly likely

CRITICAL means an attack is highly likely in the near future

Man Sentenced to 15 Years for Planned Attacks on Sydney, Australia

The leader of The Shura, an Islamic State-aligned Terrorist Group was incarcerated for 15 years for terrorism. Hamdi Alqudsi, the group's commander was found guilty of planning to attack the Sydney Gay and Lesbian Mardi Gras, the Israeli Embassy, and the Garden Island Naval Base in Woolloomooloo. There was also a planned targeted strike on the Australian Federal Police at a NSW Supreme Court hearing. The Shura was formed in 2013 to send fighters from Australia to Syria and pledged allegiance to Islamic State in August 2014.

This occurrence raises concerns that Islamic State and their affiliates may target the LGBTQIA+ Community at London Pride on Saturday 1st July 2023.

Review of April's Protest and Activism

During April, several high-profile events within the United Kingdom were affected by disruptive activism. On Saturday 15th April, Animal Rising activists (formerly Animal Rebellion – pictured to right) temporarily halted proceedings at the Grand National, held at Aintree racecourse. Animal Rising stated that their intentions were a protest against the use of animals for 'food, fun, (or) entertainment'. News outlets subsequently reported that approximately 110 activists were arrested, and that the actions of activists had resulted in racing being delayed by 15 minutes.



On Monday 17th April, two Just Stop Oil activists stopped play at the World Snooker Championships in the Crucible Theatre, Sheffield. Their intentions appeared to be to climb atop the snooker tables whilst scattering orange paint powder, to promote their cause. Although one activist achieved this (pictured to left), a referee was able to physically restrain the other activist from doing so. South Yorkshire Police later arrested both activists.



On Saturday 22nd April, Animal Rising targeted another major horse racing event at the Scottish Grand National, Ayr racecourse, resulting in 25 reported arrests, although activists were unable to delay or prevent the planned racing.

All three of these events come amidst a backdrop of the largest protest and activism group, Extinction Rebellion (XR), maintaining a stance of not taking part in disruptive protests. However, XR have now been reported as threatening the use of 'unprecedented' disruptive actions once more, unless the UK government 'stops supporting fossil fuels'.

In summary, disruptive action of this type continues a theme of animal rights and environmental related protest groups targeting high profile events. Their primary aim appears to be to promote their causes using tactics that often result in subsequent arrests on grounds such as criminal damage or public nuisance. In addition, these groups appear to exhibit seemingly minimal regard for public perception at the events they disrupt, with activists reiterating that they believe disruptive tactics are necessary. Particularly given XR's recent comments reported here, it is assessed that similar tactics will continue to be used over the coming months.

Public Order Bill – Designed to Enhance Police Powers for the Management of Activism

A series of legislative measures have commenced that increase the police's powers to react in a more effective manner when confronted with disruptive and dangerous protests. Whilst the government states that it supports the right to peaceful protest, they also state that protests must not disproportionately impact society and the economy. Examples include disrupting public transport networks and preventing the national distribution of fuel.



As of Wednesday 3rd May 2023, the following new measures and amendments are now in place, which are briefly reviewed below.

1. A definition for serious disruption

In summary, the definition refers to significant delays affecting time-sensitive products, and prolonged disruption of access to essential goods and services. The first group of essential goods and services detailed are the supply of money, food, water, energy or fuel. Also listed are communications systems, places of worship, transport facilities, educational institutions, and health services. Under this definition police officers will be required to determine the point at which the two emboldened terms are applicable before acting.

2. New offences

The offences of locking-on and going equipped to lock-on have been introduced to combat this common disruptive tactic. Also introduced are offences for obstructing major transport works and causing serious disruption by tunnelling, designed to help prevent the type of activism tactics that have targeted the HS2 rail project (see left). The final new offence referenced is interference with key national infrastructure, which is designed to minimise disruption to the supply of money, food, water, energy or fuel.

3. Prevention Orders, abortion clinic zones and media protection

Serious Disruption Prevention Orders (SDPO's) have been introduced to help deal with persistent offenders. Abortion clinic safe access zones of 150 metres have been implemented to help ensure clinic patients can attend safely and free from activist confrontation. Journalists have been protected from being moved on by police for reporting on or observing protests, however, police can still exercise powers to remove journalists if they judge that it is necessary to do so for public order, safety, or other similar reasons.



4. Extensions of existing powers

The seniority of London police officers who may attach conditions to upcoming protests is lowered by one rank to include Commanders. This now matches police forces outside of London. Stop and search powers are amended to allow the police to conduct protest-related searches. Where required, police officers may search without suspicion if authority has been granted by Inspectors or above. The power to manage public assemblies has now been extended to the British Transport Police and Ministry of Defence Police. The Secretary of State can now bring civil proceedings against protest action in the public interest, which could see protest-blocking court injunctions granted, with powers of arrest attached.

Martyn's Law Update – The Terrorism (Protection of Premises) Act 2023

Corps Focus: Security Issue of the Month

The draft Bill was published on 2nd May 2023 and, as previously suspected, applies only to qualifying premises or events. The Bill contains 47 clauses and 3 Schedules (Specific use of premises, Investigatory powers and Licensing of Premises at Heightened Terrorism Risk). It should be noted that Clause 38 and Schedule 3 will extend to and apply to England and Wales only as Schedule 3 amends the Licensing Act 2003. The rest of the Bill applies equally to England, Wales, Scotland and Northern Ireland.

Who/where does the Bill apply to?

It should also be noted that the Act may apply to the entire premises or, in instances where there are multiple businesses/functions within a single premises (e.g. shared premises), the Act may apply to specific areas.

Premises where “qualifying activities” take place that fall within the scope of the Bill are based on the primary use of the premises and/or the activities that take place there, and these are listed below:

- Retail shops
- Food and drink
- Nightclubs etc
- Entertainment Activities
- Sports Grounds
- Recreation, exercise, or leisure
- Libraries, museums, and galleries etc
- Exhibition halls
- Visitor attractions
- Hotels etc
- Places of worship
- Health care
- Bus stations, railway stations etc.
- Aerodromes

- Childcare
- Primary and secondary education
- Further education
- Higher education
- Public authority

It should be noted that this refers to the primary use of the premises or an event, and where there is uncertainty about whether a premises/event qualifies under terms of use this will be determined by regulations made by the Secretary of State.

For a premises to be deemed as a “qualifying public premises” ALL of the following must apply:

- it is primarily used for a use or uses specified in the bullet points above,
- the public, or a section of the public, has access to the premises or a part of the premises; and
- the premises have a public capacity of 100 or more individuals (those working at the premises are not included in this total capacity figure)

As previously thought, the Bill sets out two tiers of requirements for premises affected by the Bill dependant on their capacity, although the Bill refers to these as duties. The Bill includes a Standard Duty and an Enhanced Duty. The requirements for each duty are explained below.

- **Standard Duty Premises** are those with a capacity of 100 – 799 individuals. The requirements which will apply to standard duty premises will also apply to qualifying public event, and these include:
 - The premises/event must register or give notice of the event with the regulator (Public body, not appointed).
 - The premises/event must conduct

Martyn's Law Update – The Terrorism (Protection of Premises) Act 2023

an Annual Terrorism evaluation of the premises.

- The premises/event must provide terrorist protection training to those working on site (including identifying the threat and actions to take in response to an attack).
- **Enhanced Duty Premises** are those with a public capacity of 800 individuals or more. The requirements which will apply to enhanced duty premises will also apply to qualifying public event, and these include:
 - The premises/event must register or give notice of the event with the regulator.
 - The premises/event must appoint an individual as the designated senior officer for the premises or event.
 - The premises/event must provide terrorist protection training to those working on site (including identifying the threat and actions to take in response to an attack).
 - The premises/event must conduct an Annual Terrorism evaluation of the premises.
 - The premises/event must implement reasonably practicable security measures to reduce the risk of, and harm caused by, terrorist acts should they occur at or near the premises/event.
 - The premises/events must keep and maintain a security plan, which must also be provided to the regulator. The security plan documents should include, amongst other things, information about the premises or event, the persons responsible for the premises or event, and information arising out of compliance with the other requirements.

Notable Exceptions

There are notable exceptions where the Act will not apply, including events at a location:

- which is used as a private dwelling;
- which is used as an office or for office purposes;

- in relation to which a transport security regime applies (e.g. an aerodrome);
- which is of such other description as the Secretary of State may prescribe in regulations.

With the exception of making the Bill apply to premises/events with a capacity of under 100 individuals, the Secretary of State can make provision for premises/events for the Bill:

- to apply where it otherwise would not,
- not to apply where it otherwise would,
- to apply with prescribed modifications, to premises or events of a prescribed description.

Who is responsible for the premises or event under the Act?

The Bill assigns responsibility for the qualifying premises to the person who has control of the premises with relation to the qualifying activity (e.g. Nightclub). Additionally, the Bill also states that the person responsible for a qualifying public event is the person who has control of the premises/area at which the event is to be held. It is, therefore, possible that there could be multiple responsible persons under the Bill as an event could take place within a premises owned/operated by someone else, in which case the Bill may jointly impose requirements on each of them.

The person responsible for a qualifying public premises is required to ensure the premises is/are registered as stated in the previous section. Following receipt of a compliant application, the regulator must register the premises. There may be some instances which require the person responsible for the qualifying public premises to notify the regulator of changes to their registration (including prescribed matters) so that the regulator can update or revise the information in the register.

Whilst qualifying premises will be registered as soon as is practicable, the responsible person for qualifying public events will need to actively notify the regulator when an event is being planned. The

Martyn's Law Update – The Terrorism (Protection of Premises) Act 2023

person responsible must ensure that the regulator is notified of the event before the event begins and before, or as soon as is reasonably practicable after, details of the event are first made available to the public or a section of the public.

The Regulator

There has been a lot of speculation over who “the regulator” for the Bill will be. The Bill defines “the regulator” as a public authority prescribed as the regulator in regulations made by the Secretary of State, or, if no public authority is prescribed, the Secretary of State. Therefore, the Secretary of State will either prescribe regulatory authority to a public authority or act as the regulator themselves. The question remains of which public authority will be given this authority. Whilst it is most likely that this authority will be given to an existing public authority, such as the Security Industry Authority (SIA) or the National Protective Security Authority (NPSA), the Bill does not prescribe the authority be given to an existing public authority. Unlike Acts such as the the Private Security Industry Act 2001, as the Bill does not name a specific authority it allows the Secretary of State to select the public authority they feel most suitable, including granting the authority to re-assign it to a different public authority at a later point if desired.

The regulator has a number of powers, and these include being able to issue:

- A contravention notice, to remedy the contravention.
- A restriction notice
 1. to a person is contravening a requirement of the legislation and
 2. where it is necessary to impose sanctions to protect the public of harm arising from acts of terrorism.
- Civil monetary penalties, standard duty a fixed penalty up to a maximum of £10,000.00 and enhanced duty premises or qualifying public events a maximum fixed penalty of the higher of £18m or 5% of worldwide revenue.

It will be a criminal offence to:

- fail to comply with a contravention notice (unless it relates to standard duty premises) or restriction notice or,
- to provide false or misleading information in compliance or purported compliance, with a requirement of the Bill.

Terrorism Evaluation and Terrorism Protection Training

Whilst the Bill does not determine who is deemed as a competent person to complete the terrorism evaluation, or deliver terrorism protection training, it is likely that there will be a minimum level of competency mandated at some point. This may require that the person providing the training or conducting the evaluation hold a specific qualification, a minimum level of qualification, or be listed on a formal register verifying their competency within this field (such as the National Counter Terrorism Security Office's Competent Person Scheme or the Register of Chartered Security Professionals). Alternatively, this may replicate the Health and Safety industry and present a number of levels of Terrorism (Protection of Premises) Act 2023 compliant training akin to the IOSH and NEBOSH qualifications and the Health and Safety at Work Act 1974.

Corps Consult will continue to monitor and report on the Bill and its development. If you require any further information or assistance with this area please contact one of our Chartered Security Professionals.



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