

Our Ref: 010848/13



Freedom of Information Section
Nottinghamshire Police HQ
Sherwood Lodge, Arnold
Nottingham NG5 8PP

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9 December 2013

Request under the Freedom of Information Act 2000 (FOIA)

I write in connection with your request for information, which was received by Nottinghamshire Police on 13/11/2013.

Following receipt of your request searches were conducted within Nottinghamshire Police to locate the information you require.

Please find below answers to your questions:-

***I would like to know if the force has set up any social media profiles (excluding those used in an official capacity by the force).
. This includes Facebook, Twitter and profiles on dating websites.
. These include any that have been set up to combat online crime, tracking any specific individuals or anything relating to sex offences.***

RESPONSE

Nottinghamshire Police can neither confirm nor deny that it holds any information relevant to this request, as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

Section 23(5) Information supplied by, or concerning, certain Security Bodies

Section 24(2) National Security

Section 30(3) Investigations (by virtue of Section 30(2))

Section 31(3) Law Enforcement

Section 23 is a class based absolute exemption and there is no requirement to consider the public interest in this case. Confirming or denying the existence of whether information is held would contravene the constrictions laid out with Section 23 of the Freedom of Information Act 2000 in that this stipulates a generic bar on disclosure of any information applied by, or concerning, certain Security Bodies.

Section 30 is a class based qualified exemption and there is a requirement to consider the public interest to ensure neither confirming or denying information is held is appropriate.

Sections 31 and 24 are prejudice based qualified exemptions and there is a requirement to evidence the prejudice (harm) in disclosure and consider the public interest to ensure neither confirming or denying that information is held is appropriate.

Overall Harm in Confirming or Denying that Information is held

Modern-day policing is intelligence led which is particularly pertinent with regard to any undercover operation. The National Intelligence Model is adhered to by all police forces across England and Wales. It is a business process with an intention to provide focus to operational policing and to achieve a disproportionately greater impact from the resources applied to any problem. It is dependant on a clear framework of analysis of information and intelligence allowing a problem solving approach to law enforcement crime prevention techniques. To confirm whether or not Nottinghamshire Police use social media as a covert investigative tool would undermine any ongoing covert operation by revealing tactical capability and intelligence within this area.

The prevention and detection of crime is the foundation upon which policing is built. The Police Service has a clear responsibility to prevent crime and arrest those responsible for committing crime or those than plan to commit crime. By confirming whether or not a specific tactic is used could directly influence the stages of that process, jeopardise current investigations and prejudice future law enforcement. This in turn could lead to police officers being resourced away from the frontline in order to focus on catching the criminals involved within any undercover investigation.

The threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. The current UK threat level from international terrorism, based on intelligence, is assessed as substantial, see below link:

<https://www.mi5.gov.uk/home/the-threats/terrorism/threat-levels.html>

In order to counter criminal and terrorist behaviour it is vital that the police have the ability to work together, where necessary covertly, to obtain intelligence within current legislative frameworks to assist in the investigative

process to ensure the successful arrest and prosecution of offenders who commit or plan to commit acts of terrorism.

To achieve this goal, it is vitally important that information sharing takes place between police officers, members of the public, police forces as well as other security law enforcement bodies within the United Kingdom. Such an action supports counter-terrorism measures in the fight to deprive terrorist networks of their ability to commit crime.

To confirm or deny whether information is held would be extremely useful to those involved in terrorist activity as it would enable them to identify whether or not a specific covert tactic, such as using social media to assist with an investigation, has been used.

Public Interest Considerations

Section 24(2) – National Security

Factors favouring complying with Section 1(1)(a) confirming that information is held

The public are entitled to know how public funds are spent and resources distributed within an area of policing. To confirm whether information exists relating to a specific covert tactic would enable the general public to hold Nottinghamshire Police to account ensuring all such communications are recorded and stored appropriately to assist Nottinghamshire Police with the investigative process into terrorist activity. In the current financial climate of cuts and with the call for transparency of public spending this would enable improved public debate.

Factors against complying with Section 1(1)(a) confirming or denying that any other information is held

Security measures are put in place to protect the community that we serve. As evidenced within the harm, to confirm details of specific tactical options available to Nottinghamshire Police would highlight to terrorists and individuals intent on carrying out criminal activity a force's tactical capability. This would ultimately increase the risk of harm to the general public and significantly undermine any ongoing or future operations to protect the security or infrastructure of the United Kingdom.

Taking into account the current security climate within the United Kingdom, no information (such as the citing of an exemption which confirms information pertinent to this request is held, or conversely, stating 'no information is held') which may aid a terrorist should be disclosed. To what extent this information may aid a terrorist is unknown, but it is clear that it will have an impact on a force's ability to monitor terrorist activity.

Irrespective of what information is or isn't held, the public entrust the Police Service to make appropriate decisions with regard to their safety and

protection and the only way of reducing risk is to be cautious with what is placed into the public domain.

The cumulative effect of terrorists gathering information from various sources would be even more impactful when linked to other information gathered from various sources about terrorism. The more information disclosed over time will give a more detailed account of the tactical infrastructure of not only a force area but also the country as a whole.

Any incident that results from such a disclosure would by default affect National Security.

Public Interest Considerations

Section 30

Factors favouring complying with Section 1(1)(a) confirming that information is held

Confirming or denying that information exists relevant to this request would lead to a better informed public improving their knowledge and understanding of the investigatory process and, as all police investigations are publicly funded, confirmation that information is held would provide transparency with regard to the allocation of force budgets.

Factors against complying with Section 1(1)(a) confirming or denying that any other information is held

Confirmation that information is held would prejudice how investigations are carried out in the future by revealing details of covert activity. This would hinder the prevention and detection of crime and affect Nottinghamshire Police's law enforcement capabilities. Confirmation would also undermine the partnership approach to investigations.

Section 31(3) Law Enforcement

Factors favouring complying with Section 1(1)(a) – confirming information is held

By confirming or denying whether this specific covert tactic is used as part of Nottinghamshire Police's investigative techniques would lead to better public awareness into how Nottinghamshire Police tackle crime covertly which may lead to more information (intelligence) being submitted from the public which may culminate in a reduction of crime.

Section 31 – Factors favouring non compliance with Section 1(1)(a)

The Police Service will not confirm whether or not it is involved in specific tactical ventures with regard to covert investigative policing. To do so would disclose information to the detriment of law enforcement techniques as evidenced within the above harm.

Balancing Test

The points above highlight the merits of confirming or denying whether information pertinent to this request exists. The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, various tactical tools may be used to gather information relating to high profile investigative activity. Weakening the mechanisms used to monitor any type of criminal activity, and specifically terrorist activity, would place the security of the country at an increased level of danger.

<http://www.acpo.police.uk/documents/information/2009/200903INFCSP01.pdf>

In addition any disclosure by Nottinghamshire Police that places the security of the country at risk, no matter how generic, would undermine any trust or confidence individuals have in us. Therefore, at this moment in time, it is our opinion that for these issues the balance test favours neither confirming nor denying that information exists.

No inference can be drawn from this refusal that information is or isn't held.

Complaints Rights

Your attention is drawn to the enclosed review procedure, which details your right of complaint.

Copyright

Nottinghamshire Police in complying with their statutory duty under Sections 1 and 11 of the Freedom of Information Act 2000 (FOIA) to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to the Force Solicitor, Nottinghamshire Police, Force Headquarters, Sherwood Lodge, Arnold, Nottinghamshire, NG5 8PP.

I would like to take this opportunity to thank you for your interest in Nottinghamshire Police.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer on telephone number 0115 9672507 or e-mail freedomofinformation@Nottinghamshire.pnn.police.uk quoting the above reference number.

Yours sincerely

Disclosure Officer

Are you dissatisfied with your response?

If so, prior to lodging a formal complaint, you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

Ask to have the decision looked at again

The quickest and easiest way to have the decision reconsidered is to telephone the case officer that is identified at the end of your decision letter.

That person will be able to discuss the decision, explain any issues and assist with any problems.

Formal Independent Review

If you are dissatisfied with the handling procedures or the decision made by Nottinghamshire Police under the Freedom of Information Act 2000, you can request an Independent Review.

Upon receipt for a review of the initial request response, an independent audit officer from Information Management will review the request and assess whether it has been satisfactorily processed in accordance with policy and procedure.

Requests for Independent Reviews requests should be made in writing to-

Force Information Manager
Nottinghamshire Police
Force Headquarters
Sherwood Lodge
Arnold
Nottingham
NG5 8PP

The Audit officer will record and communicate his/her decision to the information requester within 20 working days.

Appeals

If the findings of the formal independent review do not meet your approval, you can register an appeal against the decision.

An investigation will then take place by the Freedom of Information officer, which will be reported and presented to the Internal Appeal Board. This will include a full account of the reasoning for or against disclosure and the application of any relevant exemptions.

The Internal Appeal Board will consist of at least a member of the Chief Officer Team, a member of the Legal Team and the Force Information Manager.

Appeals should be registered in writing to:

Freedom of Information Officer
Nottinghamshire Police
Force Headquarters
Sherwood Lodge
Arnold
Nottingham
NG5 8PP

Alternatively E-mail: Freedomofinformation@nottinghamshire.pnn.police.uk

Or call: 01159672507

Applications to the Information Commissioner

If you then remain dissatisfied, you may make an application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make an application to the Information Commissioner, please visit their website at www.informationcommisioner.gov.uk

Alternatively, Write to:

Information Commissioner's Office
Wycliffe House
Water lane
Wilmslow
Cheshire
SK9 5AF

Or call: 01625 545700.