



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2009-00345

**Keyword:** Crime

**Subject:** COMPUTER FORENSIC INVESTIGATION

### Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information.

I have today decided to:

- Disclose records numbered 1a, 1b, 1d, 1e, and 5 in full.
- Fully exempt records numbered 1c, 1f, 1g, 3, and 4 pursuant to the provisions of Section 31 (1)(a)(b)(c)(g), (2)(a)(b)(c) Law Enforcement and Section 43 (2) Commercial Interests of the Act.
- Neither Confirm Nor Deny 1h, 1i and 2 pursuant to the provisions of Section 23(5) Information supplied by or concerning certain bodies, Section 30 (3) Investigations and Proceedings conducted by public authorities, and Section 31 (3) Law Enforcement.

### 1. Internal Resourcing & Workload

#### Question 1a

Does your Police Force currently have a separate hi-tech forensics unit charged with obtaining evidence from pc's, mobile phones and other computer equipment?

#### Answer 1a

Yes

#### Question 1b

How is it resourced in terms of budget, (**Question 1c – staff**) and (**Question 1d - skill levels**), this year and for the last two years? (Please provide supporting documentation if available).

#### Answer 1b

The e-crime unit is an organisational asset providing support in respect of volume and serious crime. The responsibility and costs in respect of the staffing and budget of the unit is within the overall budget of the Serious Crime Budget.

#### Answer 1c

In relation to 1c Section 31 Law Enforcement applies, see HARM and PIT below:

#### Answer 1d

All staff trained on a separate academic and forensic tool basis in respect to Forensic Recovery of digital evidence and promotion of MSc relevant to job role.

Training principally undertaken at National Policing Improvement Agency, Cranfield University and Guidance Software as part of a established ECU Professional Development Program

**Question 1e**

Can you state what your criteria is for selecting high tech crime officers?

**Answer 1e**

Competency based process relevant to the specific job role and comprising of three stages: (1) Paper Sift (2) Written Examination (3) Interview

The skills required for e-crime investigators are publicly available on the Skills for Justice website

<http://www.skillsforjustice.com/default.asp?PageID=1>.

**Question 1f**

How much training do your police officers have in computer forensics prior to working on live cases?

**Answer 1f**

This information is exempt under Section 21 Information available by other means. Links to the National Policing Improvement Agency website are provided. <http://www.npia.police.uk/en/5236.htm>

**Question 1g**

Please state your budget for both computer forensics and mobile phone forensics for this year and the last 2 years along with staffing levels.

**Answer 1g**

In relation to 1g Section 31 Law Enforcement and Section 43 Commercial Interests apply, see HARM and PIT below:

**Question 1h**

Please state the amount of computer and mobile phone investigations requested for this year and the last 2 years.

**Answer 1h**

The PSNI neither confirms nor denies that it holds any other information by virtue of Section 23(5) Information Supplied by or Relating to Exempt Bodies. To give a statement of the reasons why neither confirming nor denying is appropriate in this case would itself involve the disclosure of exempt information, therefore under Section 17(4) no explanation can be given. To the extent that Section 23(5) applies, the PSNI has determined that in all the circumstances of the case the public interest in maintaining the exclusion of the duty to neither confirm nor deny outweighs the public interest in confirming whether or not the information is held.

**Question 1i**

Please state the amount of computer and mobile phone investigations successfully completed for this year and the last 2 years.

**Answer 1i**

The PSNI neither confirms nor denies that it holds any other information by virtue of Section 23(5) Information Supplied by or Relating to Exempt Bodies. To give a statement of the reasons why neither confirming nor denying is appropriate in this case would itself involve the disclosure of exempt information, therefore under Section 17(4) no explanation can be given. To the extent that Section 23(5) applies, the PSNI has determined that in all the circumstances of the case the public interest in maintaining the exclusion of the duty to neither confirm nor deny outweighs the public interest in confirming whether or not the information is held.

**2. External Resourcing & Workload**

**Question 2a**

What external support is used in order to search pc's for evidence: do you have contracts with specific service suppliers? Do you use external suppliers on an ad hoc basis? How much have you spent this year and over the last two years on external contractors in this area?

**Question 2b**

If you have on-going arrangements with external suppliers, who are they?

**Question 2c**

For how long? Under which basis are you using these external suppliers, (ad hoc, contractual, (local contract or OJEU contract)? Who approved this contract?

**Question 2d**

If you employ external contractors to carry out computer forensic investigations, do you have service standards that you

require them to adhere to? Please forward a copy of your regular service standards.

**Question 2e**

Have you inspected the security of any external contractors you use?

**Question 2f**

Have the external contractors you use been security vetted in terms of physical and/or digital security?

**Question 2g**

If they have been security vetted, to what standard?

**Answers 2a-g**

PSNI can neither confirm nor deny that any additional information is held in relation to the questions of external resourcing and workload by virtue of Section 23(5) Information supplied by or concerning certain Security Bodies; Section 30(3) Investigations and Section 31(3) Law Enforcement.

Confirmation or denial of the mere existence of investigation material or the involvement of exempt FOIA bodies will in itself provide exempt information into the public domain. It is therefore appropriate to follow this course of action under the auspices of Section 17(4) of the Freedom of Information Act 2000.

This should not be taken as an inference that the information you have requested is or is not held by the force.

**3. Performance Indicators**

In terms of managing investigations that require evidence to be obtained from pc's:  
Do you record the following performance indicators:

**Question 3a**

Total computer forensic caseload.

**Question 3b**

Average time from seizure to return.

**Question 3c**

Average (forensic) time spent per investigation.

**Question 3d**

Average cost of pc forensic investigation per case and per pc.

**Question 3e**

Please answer the same questions separately in respect of mobile phones.

**Question 3f**

Total phone forensic caseload.

**Question 3g**

Average time from seizure to return.

**Question 3h**

Would you please provide copies of any performance indicators you do keep in respect of computer forensic investigation.

**Answers 3a-h**

In relation to Q3 Section 31 Law Enforcement and Section 43 Commercial Interests apply, see HARM and PIT below:

**4. Access to computer equipment by suspects/defendants**

**Question 4a**

Do you have a triage system, which sets out the order in which pc's are looked at? What factors are included in your triage system if you have one? How are they applied?

**Question 4b**

Do you have in place arrangements to allow individuals whose equipment has been seized to?

**Question 4c**

Fast track return of items non-essential to an investigation (e.g., mobile phones, children's games, etc.)?

#### **Question 4d**

Access their computer equipment to remove data essential for their work or business?

#### **Question 4e**

Access their computer equipment - via accredited forensic experts employed by their defence team - to take a mirror of what is held on their equipment?

#### **Answers 4a - e**

In relation to Q4 Section 31 Law Enforcement applies, see HARM and PIT below:

### **5. Outcomes**

#### **Question 5**

Have you had any of your investigations, (which involve computer forensics), which have been taken to court thrown out by CPS or lost the case on a technical point, (a defence expert discrediting work your force has done)?

#### **Answer 5**

No technical evidence provided by ECU has been successfully rebutted. Any cases which have not resulted in a successful prosecution have been because of a non-technical, non-ECU evidence at this time.

In order to assist the applicant PSNI wish to state that all UK forces comply with the four principles governing the handling of electronic based evidence.

#### Principle 1:

No action taken by law enforcement agencies or their agents should change data held on a computer or storage media which may subsequently be relied upon in court.

#### Principle 2:

In circumstances where a person finds it necessary to access original data held on a computer or on storage media, that person must be competent to do so and be able to give evidence explaining the relevance and the implications of their actions.

#### Principle 3:

An audit trail or other record of all processes applied to computer-based electronic evidence should be created and preserved. An independent third party should be able to examine those processes and achieve the same result.

#### Principle 4:

The person in charge of the investigation (the case officer) has overall responsibility for ensuring that the law and these principles are adhered to.

Section 17 of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

- (a) States that fact,
- (b) Specifies the exemption in question and
- (c) States (if not otherwise apparent) why the exemption applies.

### **Qualified Exemptions**

Section 31 Law Enforcement  
Section 43 Commercial Interests

### **HARM**

The essence of the work undertaken by the PSNI is to protect both individuals and society as a whole.

Operational procedures, methodology and tactics must be protected by the correct application of exemptions. This is because the release of this type of information would rarely be in the Public Interest and may reduce the PSNI's capability to perform its overall functions under the Police (NI) Act 2000, which states:

"It shall be the general duty of police officers –

- (a) To protect life and property;
- (b) To preserve order;
- (c) To prevent the commission of offences;
- (d) Where an offence has been committed, to take measures to bring the offender to justice."

PSNI have numerous agencies, which assist them to carry out their core policing functions. Consideration is always given to these agencies, where the release of information, relating to their level of support, may have the potential to impede the relationship, and reduce the PSNI's capabilities i.e. Section 43 Commercial Interests.

### **Public Interest Test**

The public interest test relevant is as follows: -

#### **Favouring Disclosure**

##### **Accountability**

When information disclosed relates directly to the efficiency and effectiveness of the force or its officers.

##### **Public Participation**

Where disclosure would enhance informed debate and decision making by the service.

##### **Media and Public Interest**

To satisfy the media and public interest.

##### **Public Debate**

Where the release of information would contribute to the quality and accuracy of public debate.

##### **Accountability for Public Funds**

Where public funds are being spent, there is a public interest in accountability and justification.

#### **Considerations Favouring Non-Disclosure**

##### **Efficient and effective conduct of the service.**

It would not be in the public interest to release information that may prevent or hinder current and future police investigations and regulatory enforcement.

##### **Current investigations**

It would not be in the public interest to release information that may be of assistance to anyone involved criminal activity.

##### **Criminal Investigations**

Information relating to a criminal investigation will rarely be disclosed under FOIA and only where there is a strong Public Interest consideration favouring disclosure.

##### **Interests of Third Parties**

Where third party interests might be jeopardised by release of information that relates to personal affairs of individuals and/or sensitive commercial information held about business, financial, contractual or operational issues.

##### **Tort in Law**

In circumstances where the service/force is under a legal obligation to maintain confidences, it would not be in the public interest to release the information if the grounds for this duty can be shown to be valid.

#### **Balancing Test**

PSNI consider that the benefit, which would result from, the release of the information requested does not outweigh disclosing information relating to the above exemptions.

If you have any queries regarding your request or the decision please do not hesitate to contact 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this email.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk)

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ <http://www.psnipolice.uk/>

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.