



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-00032

Keyword: Crime

Subject: REQUESTS TO GOOGLE UNDER RIPA

Request and Answer:

Question

Please provide the following figures for each year since January 2000, broken down by year:

- How many requests for information has your force made to Google under the Regulation of Investigatory Powers Act?
- How many of these requests for information have been complied with?

Answer

In accordance with the Act, this letter represents a Refusal Notice for this particular request.

The PSNI can neither confirm nor deny that it holds the information you have requested. I can, however, advise you, as required by Section 17 of the Act that such information, if it were to exist, would be reasonably expected to be exempted under Section 23(5) Information supplied by, or relating to, bodies dealing with security matters, Section 24 (2) National Security, Section 30 (3), Investigations and proceedings conducted by the public authority, Section 31(3) Law Enforcement, Section 40 (5) Personal Information and Section 44(2) Prohibitions on Disclosure.

It is very rare for the PSNI to disclose any information related to surveillance activity. To do so could have serious and wide reaching personal and national security consequences.

The Police Service will not disclose whether or not it has used any specific covert law enforcement technique in relation to the interception of communications. To do so would disclose tactical information to the detriment of those actual techniques. In any case due to the legal constraints under RIPA legislation it may actually be a criminal offence to do so.

There is a requirement to consider whether there is any public interest, which may overcome the harm in confirming or denying the existence of such information, which would primarily hinge on accountability for using such techniques. However, in order to ensure there are no breaches of the legislation such activities are regulated by an independent commissioner, which means that any accountability factors are already catered for and would not be enhanced by confirming or not the existence of such information in relation to any investigation. Therefore, at this time, the balance of the public interest favours maintaining our stance in being unable to confirm or deny that such information exists.

No inference can be taken from this refusal that the information you have requested does or does not exist.

The Interception of Communications Commissioner publishes an annual report on this subject, which is laid before Parliament, and is available for public scrutiny on the Internet, see below link:

<http://www.statewatch.org/news/2008/jul/uk-interception-of-comm-report-2007.pdf>

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

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 @ www.psni.police.uk

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