



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-01862

Keyword: Crime

Subject: INFORMATION REQUESTS MADE TO GOOGLE

Request and Answer:

Question

I would like details of the number of information requests which your force has made to Google.com during the past two years regarding individuals using its search engine. Secondly, I would like details of the number of these requests which Google complied with.

Answer

Section of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1 (1) (a) is to confirm or deny whether the information specified in a request is held. The second duty at s1 (1) (b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon section 17 of FOIA requires that we provide the applicant with a notice which: a) states that fact b) specifies the exemption(s) in question and c) states (if that would not otherwise be apparent) why the exemption applies.

The PSNI can neither confirm nor deny that it holds information relevant to your request as the duty in s1 (1) (a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions.

Section 24(2) National Security
Section 31(3) Law Enforcement

This refusal should not be taken to mean that the information you have requested exists or does not exist.

Insofar as sections 24(2) and 31(3) apply, I am satisfied that the balance of public interest lies in maintaining the exclusion of the duty to confirm whether information is held by the PSNI.

Whilst there is a public interest in the transparency of the police service and their relationship to communications service providers, there is a very strong public interest in safeguarding both national security and the integrity of effective law enforcement in what can be highly sensitive areas, such as terrorism. To confirm or deny which police force has or has not dealt with Google would enable an individual to geographically map which forces use Google as an investigative tool, enabling those individuals to become aware of whether or not their activities have been detected. For example, to confirm that the Police liaise with Google, by citing exemptions or stating no information held, would reveal to the world in general that they are a main communications service provider used by the Police Service. Such awareness would highlight to individuals of the criminal fraternity, which may include terrorist cells, which forces do and do not use Google.

However, this should not be taken as conclusive evidence that the information you requested exists or does not exist.

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.