

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2020-02115

Keyword: Organisational Information/Governance

Subject: Open Source Intelligence Tools

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act we can confirm that the Police Service of Northern Ireland does hold some information to which your request relates and this is being provided to you. We further consider the information you seek in Request 4 is exempt by virtue of Section 31 of FOIA and have detailed our rationale as to why this exemption applies. We have also provided you with links to guidance issued by the Information Commissioner's Office which we have followed in responding to your request.

Request 1

I am looking for insight into how Law Enforcement utilise Open Source Intelligence (OSINT) tools.

Answer

PSNI utilise OSINT for research purposes and it is done on a case by case basis. However, there is no central database outlining the usage or deployment of OSINT.

The link provided below provides a description of the purpose and use of OSINT and may assist your request:

Link: academy.cityoflondon.police.uk/blog/introduction_open_source_investigations_stephen_hill

Request 2

Specifically, the training given to Law Enforcement agents.

Answer

Some elements of training are delivered locally however all personnel are accredited to the same national standards as the rest of the UK.

The link provided below provides an example of courses:

Link : academy.cityoflondon.police.uk/courses/cyber_courses/internet_investigation_foundation

Request 3

The type of functions that Law Enforcement Agencies (LEAs) require the OSINT tools to carry out.

Answer

The function of OSINT is effectively to exploit the opportunities opened up by OSINT as described within the link provided for Request 1 and 5.

PSNI has obligations under Section 32 Police Act (NI) 2000 and information available online is used to enable those objectives. All activity is lawful and carried out by personnel who are accredited to a national standard.

Request 4

The impacts of the use of OSINT tools with regards to Law Enforcement.

Answer

As previously mentioned, this information is exempt and the following explanation is provided.

Section 17(1) 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.

The exemption, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 31 (1) – Law Enforcement (a) the prevention or detection of crime (b) the apprehension or prosecution of offenders

The full text of exemptions can be found at www.legislation.gov.uk and further guidance on how they operate can be located on the Information Commissioners Office website www.ico.org.uk.

Section 31 is a qualified and prejudice-based exemption. This means that the legislators have determined that it is necessary to evidence the harm in release and to conduct a public interest test.

The summary of the Harm and Public Interest considerations are provided below:

Harm

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 crime or those who plan to commit crime. Modern day policing is intelligence led and systems utilised by PSNI are considered an important part of police methodology.

The release of information under the Freedom of Information Act is a release into the public domain and not just to the individual requesting the information. Once information is disclosed by FOI there is no control or limits as to who or how the information is shared with other individuals, therefore a release under FOI is considered a disclosure to the world in general.

Divulging the impacts of specific mechanisms or techniques into the public domain would better educate criminals and undermine the effective delivery of operational law enforcement. Any disclosure no matter how generic would be harmful in that it may assist criminals or terrorist organisations and would be likely to adversely affect the role of police.

This information may be of particular concern in light of the nature and extent of the prevailing terrorist threat which is currently SEVERE. It may also be used by criminals/terrorists in combination with other information they have gathered to try and prejudice law enforcement.

Public Interest Test

Factors Favouring Release – Section 31

Release of the requested information would lead to a better informed public, demonstrating transparency and accountability of how PSNI conduct their law enforcement role.

Factors Favouring Retention – Section 31

Disclosing the impact of specific police methodology, taken on its own or together with other information, either already available or the subject of further requests, could negatively affect the law enforcement capabilities of PSNI as it would educate criminal groups to better plan how to successfully carry out their activities.

Decision

PSNI has a duty to fulfil its law enforcement function and whilst there is a public interest in the transparency of policing activities and the appropriateness of how public funds are allocated, the delivery of effective law enforcement has overriding importance. Police need to make balanced judgements which justify why some information needs to remain exempt and unpublished. PSNI is tasked with the prevention and detection of crime and protecting the public and the only way of reducing risk is to be cautious with what is placed into the public domain.

At this time of increased threat of terrorism, releasing detailed information with regard to police methodology into the public domain would not be in the public interest. To what extent information may aid criminals/terrorists is unknown, but it is clear that it would impact on a force's ability to monitor criminal/terrorist activity. Disclosure of this information has the potential to assist those criminal elements intent on committing crime and compromising the law enforcement role of police.

Whilst there is a public interest in the transparency of how we carry out our operations and investigations, providing assurance that we are appropriately and effectively engaging with the threat from criminals, there is a very strong public interest in safeguarding the integrity of our policing tactics. As much as there is public interest in knowing that policing activity is appropriate and balanced, this will only be overridden in exceptional circumstances.

With this in mind there would need to be a considerable public interest before PSNI would consider the release of any information as to do so would negatively affect the ability of PSNI to carry out its law enforcement role. For these reasons, I have determined that release of this information into the public domain would not be in the public interest.

However, the assumed impact of OSINT can be understood in respect of its general purpose described by articles such as the link provided at Request 1 and 5.

Request 5

The role of OSINT tools with regards to Law Enforcement in the modern world.

Answer

Please refer to the answer provided at Request 1.

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

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 Corporate Information Branch, 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.