



Sent via email:

Matthew@privacyinternational.org

ANDY CHAMPNESS

Chief Executive

Mr M. Rice,
Advocacy Officer,
Privacy International,
62 Britton Street,
LONDON.
Ec15 5UY

20th December 2016

Our Ref: AC/AR – 2016-126

Dear Mr Rice,

FREEDOM OF INFORMATION ACT 2000 – INFORMATION REQUEST

Your request for information has now been considered.

Unfortunately the Office of the Police and Crime Commissioner (OPCC) is unable to comply with it. The information you requested relates to Covert Communications Data Capture (CCDC) equipment and comprises of four questions, which are summarised for ease, as follows:

1. Records relating to the purchase of existing CCDC equipment;
2. Records relating to the purchase of replacement CCDC equipment;
3. Records relating to the decision to replace existing equipment with a new supplier; and
4. Legislation, codes of practice, policy statements etc governing the use of CCDC equipment.

As indicated in our letter dated 29 November 2016, the information you have requested is subject to qualified exemptions, which means that the OPCC must consider whether it is in the public interest to release the information. We have now considered the public interest and concluded that we are unable to release the information to you and have explained our reasoning below.

In relation to questions 1-3 we hold a small amount of information namely a business case regarding the replacement of existing CCDC equipment. However, this is exempt from disclosure under section 24(1) (national security) and section 31(a) and (b) (law enforcement) of the Act.

Please note that in our previous letter we referred to section 30(1) (a) and (b) which was a typo on our part and the correct statutory citation appears above.

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Hindlip Hall, Worcester, WR3 8SP. Tel: 01905 331656 Email: opcc@westmercia.pnn.police.uk

Web: www.westmercia-pcc.gov.uk Twitter: @WestMerciaPCC Facebook: West Mercia PCC

Section 24(1) provides that information is exempt from disclosure if the exemption is required for the purposes of safeguarding national security. The document in question is a confidential strategic paper, it was produced to evaluate the functionality and options in respect of existing and replacement CCDC equipment, and if disclosed would undermine national security.

We recognise that there is a public interest in how public funds are spent, and a natural concern to ensure that any measures in place to safeguard national security are effective, and further that any covert activities are proportionate to the risks that a public authority may be seeking to address. While there is a level of public awareness in this area, the exact nature of the discussions regarding the equipment or any associated issues are not widely known. There is an inherent public interest in safeguarding national security to ensure the safety of the people within the UK. The disclosure of this information would undermine the aims of the use of the equipment by exposing deliberations and facts about it to criminals and terrorists who would seek to use the information to their advantage. Any information which undermines the operational integrity and effectiveness of our activities and other agencies would adversely affect public safety and therefore not be in the wider public interest. After due consideration, and on balance, we consider that the public interest favours maintaining this exemption.

Section 31(1) provides that information is exempt if disclosure would, or would be likely to, prejudice (a) the prevention or detection of crime or (b) the apprehension or prosecution of offenders. The disclosure of this document would prejudice the methods and strategies deployed or considered by ourselves and other agencies in relation to the prevention and detection of crime and the apprehension or prosecution of offenders. As mentioned, although there is now a level of public awareness in this area, the exact nature of the discussion regarding the equipment and any associated issues is not openly discussed. While the disclosure of this document would serve to increase public awareness, it would do so particularly amongst those individuals involved in serious and organised crime or terrorism, and who would be best placed to exploit the information to their advantage and the disadvantage of the majority of our population.

In addition to the public interest factors mentioned in respect of section 24(1), we recognise there is a public interest in disclosing information that holds public bodies to account, and increases transparency about how they perform their functions. However, there is an inherent public interest in both protecting society from the impact of crime and preserving the integrity of law enforcement activities in this area. The disclosure of this information would serve to provide a greater understanding to criminals and terrorists, as to the aims and deliberations regarding the use of such equipment, including any associated issues, the detail of which is not openly discussed in order to maintain operational effectiveness. The disclosure of this information would hinder the effective conduct of our and other agencies' functions. With regard to the prevention or detection of crime and the apprehension or prosecution of offenders for fear that such information may enter the public domain. Therefore, after due consideration, and on balance, we consider that the public interest favours maintaining this exemption.

Finally, section 23(5) (security bodies) provides that the duty to confirm or deny whether information is held does not arise if this would disclose information relating to a security body. We consider that this exemption is engaged in respect of question 4 and as such the OPCC can neither confirm nor deny whether information falling under this aspect your request is held, as to do so would undermine the operational effectiveness of national security and law enforcement. This is an absolute exemption which means there is no requirement to consider the public interest

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You have the right to request that the OPCC carry out an internal review if you are not satisfied with the way your request was dealt with or wish to appeal the decision. A request for an internal review should be made in writing and addressed to me at the address above. All requests for an internal review will be dealt with under the OPCC's internal review procedure.

In accordance with section 17 of the Freedom of Information Act 2000 please treat this letter as a Public Interest Refusal Notice.

If you are not satisfied with the outcome of the internal review you may appeal to the Information Commissioner's Office, at the following address:

FOI Compliance Team (complaints)
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely



Andy Champness
Chief Executive - OPCC