



Home Office

Information Access Team

Information Management Service

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Mr P John
request-15627-
f007315e@whatdotheyknow.com

Our Ref 12742
Your Ref
Date 21 October 2009

Dear Mr John

I am writing further to my email of 9th September 2009, regarding your request for an internal review of the response to your Freedom of Information (FOI) request. I have now completed a full review of the points raised in your letter.

In your request for an internal review you advised us that you had been informed "by the MoJ that while they hold information about convictions, they expect that the Home Office would hold data on arrests" and that as a result you would like the Home Office to reconsider whether we "might hold data on the number of arrests for RIPA offences (particularly RIPA Part I) that took place in 2008 and 2009?" Your internal review request can be seen in full in Annex A below.

The first part of my review concerned the procedural aspects of the handling of your case. Your request was received by the Home Office on 31st July 2009. Section 10(1) of the Act states that '*a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.*'

In order to comply with the 20 working day limit specified you should have been provided with a full response to your request on 28th August 2009. You received a full response on 4th August 2009, only 2 working days following receipt of your original request. This is well within the deadline specified.

I have further investigated whether or not the requested "data on arrests" is held by the Home Office. I confirm that it is not held by the Home Office and hope the following explanation is clear:

The Ministry of Justice (MoJ) was correct when it informed you that in general terms, data on the number of persons arrested comes within the remit of the



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Home Office. However, the Regulation of Investigatory Powers Act 2000 (RIPA) does not require the police or any other public authority to notify the Home Office of arrests made specifically in connection with RIPA authorisations. Therefore, although the Home Office Statistics department does receive figures on arrests by the police, these are provided in very broad categories and are not broken down to the level of detail requested i.e. nor they do not distinguish arrests made under RIPA.

Chapter 3 of the published Home Office document "Investigation of Protected Electronic Information" code of practice located at this link: <http://security.homeoffice.gov.uk/ripa/publication-search/ripa-cop/electronic-information?view=Binary> states that The National Technical Assistance Centre (NTAC) is the lead national authority for all matters relating to the processing of protected information into intelligible form and to disclosure of key material.. In fact prior to serving a s49 notice, written permission must be obtained from NTAC. However NTAC are not always informed of prosecutions commencing nor is there any requirement under the act to do so. This means that although NTAC would know how many decision notices had been issued, they would not hold statistics giving the amount of detail requested, nor do they have an obligation to share those with the Home Office.

You were informed in our original response to you that the Home Office does not hold any statistics on unlawful interception or disclosure of safeguards. You were also advised that although the Home Office does not routinely collect or store figures on offences relating to encryption provisions under Part III of RIPA, the department did hold some information that was compiled for Parliamentary Question earlier this year. You were then provided with said information as well as links to other sources of information relating to RIPA. These links were helpful and in line with the spirit of Section 16 (duty to provide advice and assistance) of the act.

Having reviewed all of the information available, I am able to confirm that after a thorough search, the information you were provided with, is the only information the Home Office holds on this subject and am therefore satisfied that the original decision be upheld.

I hope that you find that this explanation addresses your points satisfactorily. However should you remain dissatisfied you have the right of complaint to the Information Commissioner, as established by section 50 of the Freedom of Information Act. You can write to him at:

Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Or submit a complaint online at: www.ico.gov.uk.

Yours sincerely

Martin Riddle
Information Access Caseworker

ANNEX A – Original Internal Review request

I am writing to request an internal review of Home Office's handling of my FOI request 'RIPA Offences: Statistics for 2008/2009'.

A full history of my FOI request and all correspondence is available on the Internet at this address:

http://www.whatdotheyknow.com/request/ripa_offences_statistics_for_2008-09

I have been told by the MoJ that while they hold information about convictions, they expect that the Home Office would hold data on arrests (see the memo below);

<http://www.whatdotheyknow.com/request/16378/response/41662/attach/html/3/418-09full%20reply.doc.html>

Please could I ask you to reconsider whether you might hold data on the number of arrests for RIPA offences (particularly RIPA Part I) that took place in 2008 and 2009?