



Home Office

**Information Access Team
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Dr Geraint Bevan
Request-7815-033b153a@whatdotheyknow.com
(by email)

Our Ref: 11476

11 August 2010

Dear Dr Bevan,

I am writing further to my correspondence of 3 March 2009 regarding your information request dated 3 March 2009. We are now in a position to provide you with a full reply to your request. I apologise for the time taken to provide you with this response, which I recognise falls well short of the standards the Department sets itself.

You asked for:

1. details of databases currently maintained (or planned) by the Home Office (or agents acting on its behalf) which record (or are intended to record) personal information about more than 10,000 British residents
2. the (approximate) number of people whose personal information is recorded (or planned to be recorded on each of those databases.

Your request has been handled as a request for information under the terms of the Freedom of Information Act (FOIA) 2000.

I confirm that the Home Office holds the information you have requested and am pleased to be able to disclose most of it to you - please see the attachment to this letter. This provides, where possible, the name of all databases held by the Home Office, and a general description of the type of information stored on it. The list of databases is taken from the Home Office's Information Asset Register (IAR), and is accurate as of October 2009. The details of 156 databases have been released to you, and this list includes all databases currently maintained by the Home Office. Please note, not all of

these record personal information about UK residents – as noted, the list is taken from the Home Office’s IAR. It does, however, provide a description of each database, which I hope you will find of use.

For your further information, please note the Home Office Headquarters will be publishing an updated version of the releasable parts of its IAR later this month. The UK Border Agency, Criminal Records Bureau, and Identity and Passport Service will likewise be publishing updated versions of their IARs in due course.

It is not possible to provide you with the number of people whose details are recorded on each database. This is because each database may contain multiple entries for the same individual. Therefore, the only way that the number of persons can be counted is by looking at each entry individually. Consequently, to ascertain the number of individuals concerned would exceed the appropriate cost limit of £600, as specified in the Appropriate Limit and Fees Regulations 2004 (see Annex A for further details). Although your request would at present be too costly to answer, if you refine it so that it falls under the cost limit it will be considered further.

While it has been possible to provide you with the title and a description for most of the databases held by the Home Office and its agencies, details relating to two databases have been withheld. After careful consideration it has been determined that this information is exempt from disclosure by virtue of the exemptions provided at the following sections of the Freedom of Information Act:

- Section 30(2)(b) ‘investigations and proceedings conducted by public authorities’
- Section 31(1)(a) ‘law enforcement’

Section 30(2)(b) provides for the withholding of information relating to the obtaining of information from confidential sources, and section 31(1)(a) for the withholding of information if disclosure would, or would be likely to, prejudice the prevention or detection of crime. Further information on the application of these exemptions is provided in Annex B below.

In reliance on sections 23(5) ‘information supplied by, or relating to, bodies dealing with security matters’, and 24(2) ‘national security’, the Home Office neither confirms nor denies it holds any further information relevant to your request. These sections of the FOIA exempt public authorities from the duty to say whether or not they hold requested information. Further information on the application of these exemptions, including the relevant public interest test, can be found in the Annex to this letter. This response should not be taken as conclusive evidence that the information you have requested exists or does not exist.

I hope that you find this information of interest, and would like to assure you that you have been supplied with all disclosable information that the Home Office holds. Where information has been withheld, I would like to assure you

that we have considered the application of exemptions with great care in this case.

Yours sincerely

Diana Pottinger
Information Access Caseworker

ANNEX A – Section 12 cost limit.

Under section 12 of the Freedom of Information Act, the Home Office is not obliged to comply with any information request where the prescribed costs of supplying you with the information exceed £600. The £600 limit applies to all central government departments and is based on work being carried out at a rate of £25 per hour, which equates to 3½ days work per request. Prescribed costs include those which cover the cost of locating and retrieving information, and preparing the information for disclosure to you. They do not include considering whether any information is exempt from disclosure, overheads such as heating or lighting, or disbursements such as photocopying or postage.

ANNEX B – Public Interest Test Exemptions, Sections 30 and 31

Section 30 Investigations and proceedings conducted by public authorities

- (2) Information held by a public authority is exempt information if—
- (b) it relates to the obtaining of information from confidential sources.

Section 31 Law enforcement

- (1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—
- (a) the prevention or detection of crime,

Considerations Favouring Disclosure

Providing members of the public with a full list of databases would aid transparency, and could possibly help to prompt the reuse of public sector data.

With regard to databases which hold personal data, there is an added factor in favour of disclosure. Concern over the levels of Government monitoring of citizens is high on the public agenda. Disclosure of the details of all such databases would inform the public about the types of information the Home Office may hold about them. The release of such information could also contribute to the quality and accuracy of the public debate about the so-called “surveillance society”.

Considerations Favouring Non-Disclosure

The current and future prevention of crime would be compromised by the release of details about particular databases into the public domain. Release

of this information could harm ongoing investigations and security operations, by alerting suspects and organisations to the fact that certain information is collected and held by the Home Office. Making the existence of some databases public could also encourage hackers to attempt to attack or destroy the databases, and this could seriously hamper ongoing investigations and security operations. In addition if knowledge of the existence of certain types of databases were to be made public, this could implicate the sources of the information base. Making the databases known could reveal confidential sources, or result in the public making assumptions about sources.

Balancing Test

Withholding the names and description of two of the databases is critical for the prevention and detection of crime. While there is a public interest in being open and transparent, the public interest arguments in favour of withholding the information are stronger. The public interest in favour of providing facts to promote full debate, must be weighed against keeping the public safe and maintaining security. Listing and describing all the databases held would provide criminals/terrorists planning attacks on the UK with information that could affect the future prevention and detection of crime. This would additionally put the security of members of the public at risk. It could also result in the Home Office's infrastructure coming under attack by hackers, which would place the UK public in even greater jeopardy. On balance, maintaining public safety and the prevention and detection of crime outweighs any arguments for release. It is therefore not in the public interest to release the withheld information.

ANNEX C – Public Interest test Exemptions, Section 23 and 24

Section 23(5) and 24(2) of the Freedom of Information Act state:

23(1) Information held by a public authority is exempt information if it was directly or indirectly supplied to the public authority by, or relates to, any of the bodies specified in subsection (3).

(5) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would involve the disclosure of any information (whether or not already recorded) which was directly or indirectly supplied to the public authority by, or relates to, any of the bodies specified in subsection (3).

24(1) Information which does not fall within subsection 23(1) is exempt information if exemption from section 1(1)(b) is required for the purpose of safeguarding national security.

(2) The duty to confirm or deny does not arise if, or to the extent that, exemption from section 1(1)(a) is required for the purpose of safeguarding national security.

Section 23(5) is an absolute provision and consequently there is no further consideration required.

Section 24(2) public interest test

Public interest considerations in favour of confirming whether the information is held

To confirm or deny whether the requested information is held would indicate whether the Home Office does or does not have databases with national security issues. There is some speculation about what type of databases are held with little firm information in the public domain. Increased openness with regard to this would increase understanding and transparency in this area and inform the public debate.

Public interest considerations in favour of maintaining the exclusion of the duty to either confirm or deny

In this instance, maintenance of the exclusion of the duty to confirm or deny whether the department holds the information you have requested is required for the purpose of safeguarding national security. Electronic attacks are directed at government organisations globally, including in the UK. If the department were to either confirm or deny whether it held certain information, it would increase this risk of electronic attack.

Balance of the public interest

We have determined that safeguarding of national security interests is of paramount importance and that in all circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in confirming or denying whether we hold the information in question. This response should not be taken as conclusive evidence that the information you have requested exists or does not exist.

ANNEX D

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting your complaint within two months to the below address quoting reference 11476:

Information Access Team
Information Management Service
Home Office
Ground Floor, Seacole Building
2 Marsham Street
London
SW1P 4DF
Email: info.access@homeoffice.gsi.gov.uk

During the independent review the department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.