



Chris Legal
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Your ref:
Our ref:
FOI2020/00855

26th August 2020

Dear Chris Legal,

REQUEST FOR INFORMATION REF: FOI2020/00855

I write in connection with your request for information dated 4th August in which you seek access to the information stated:

Please can you advise me under FOI whether City of London Police contracts with a company called Cellebrite.

Please accept this letter as an acknowledgement of receipt of your request, which has been considered under the Freedom of Information Act 2000 (the Act). (FOIA)

DECISION

The City of London Police can neither confirm nor deny that it holds information relevant to this request as the duty in section 1(1) (a) of the Freedom of Information Act does not apply, by virtue of the following exemption(s):

Section 24 – National Security
Section 31 – Law Enforcement

As you will be aware, disclosure under FOIA is a release to the public at large. Whilst not questioning the motives of the applicant, confirming or denying that information is held regarding a contract with Cellebrite, would show criminals what the capacity, tactical abilities and capabilities of the force are, allowing them to conduct their criminality and avoid detection. Confirming or denying a contract with Cellebrite, would lead to an increase of harm to investigations and compromise law enforcement. This would be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

The threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. Since 2006, the UK Government have published the threat level, based upon current intelligence and that threat has remained at the second highest level, 'severe', except for two short periods during August 2006, June and July 2007, and more recently in May 2017 following the Manchester Bombing, when it was raised to the highest threat, 'critical', it has since been reduced to 'substantial'. Nevertheless, the UK continues to face a sustained threat from violent extremists and terrorists and the current UK threat level is set at 'severe'.

It is well established that police forces use tactics and technology to gain intelligence in order to counteract criminal behaviour. It has been previously documented in the media that many terrorist incidents have been thwarted due to intelligence gained by these means.

Confirming or denying that there is a contract with Cellebrite, would limit operational capabilities as criminals/terrorists would gain a greater understanding of the police forces' methods and techniques, enabling them to take steps to counter them. It may also suggest the limitations of police capabilities in this area, which may further encourage criminal/terrorist activity by exposing potential vulnerabilities. This detrimental effect is increased if the request is made to several different law enforcement bodies. In addition to the local criminal fraternity now being better informed, those intent on organised crime throughout the UK will be able to 'map' where the use of certain tactics are or are not deployed. This can be useful information to those committing crimes. It would have the likelihood of identifying location-specific operations which would ultimately compromise police tactics, operations and future prosecutions as criminals could counteract the measures used against them.

Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on both national security and law enforcement.

Public Interest Test

Factors Against Neither Confirming Nor Denying for Section 24

The information, if held simply relates to national security and confirming or denying whether it is held would not actually harm it. The public are entitled to know what public funds are spent on and what security measures are in place, and by confirming or denying if there is a contract in place with Cellebrite would lead to a better informed public.

Factors Favouring Neither Confirming Nor Denying for Section 24

By confirming or denying whether any other information is held would render Security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK and increase the risk of harm to the public.

Factors Against Neither Confirming or Denying for Section 31

Confirming or denying whether there is a contract with Cellebrite, would provide an insight into the Police Service. This would enable the public to have a better understanding of the effectiveness of the police and about how the police gather intelligence. It would greatly assist in the quality and accuracy of public debate, which could otherwise be steeped in rumour and speculation. Where public funds are being spent, there is a public interest in

accountability and justifying the use of public money.

It is well known that the police use hi-tech specialist equipment and confirming or denying whether any other information is held would ensure transparency and accountability and enable the public to see what tactics are deployed by the Police Service to detect crime.

Factors Favouring Neither Confirming Nor Denying for Section 31

Confirming or denying that any other information is held regarding a contract with Cellebrite would have the effect of compromising law enforcement tactics and would also hinder any future investigations. In addition, confirming or denying methods used to gather intelligence for an investigation would prejudice that investigation and any possible future proceedings.

It has been recorded that FOIA releases are monitored by criminals and terrorists and so to confirm or deny information is held concerning specialist covert tactics would lead to law enforcement being undermined. The Police Service is reliant upon all manner of techniques during operations and the public release of any modus operandi employed, if held, would prejudice the ability of the Police Service to conduct similar investigations.

By confirming or denying that a contract exists would hinder the prevention or detection of crime. The Police Service would not wish to reveal what tactics may or may not have been used to gain intelligence as this would clearly undermine the law enforcement and investigative process. This would impact on police resources and more crime and terrorist incidents would be committed, placing individuals at risk. It can be argued that there are significant risks associated with providing information, if held, in relation to any aspect of investigations or of any nation's security arrangements so confirming or denying that information is held, may reveal the relative vulnerability of what we may be trying to protect.

Balance Test

The security of the country is of paramount importance and the Police Service will not divulge whether any information is or is not held regarding contracts with Cellebrite, if to do so would place the safety of an individual at risk, undermine National Security or compromise law enforcement.

Whilst there is a public interest in the transparency of policing operations and providing assurance that the Police Service is appropriately and effectively engaging with the threat posed by various groups or individuals, there is a very strong public interest in safeguarding the integrity of police investigations and all areas of operations carried out by police forces throughout the UK.

As much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances. The use of technology can be a sensitive issue that would reveal police tactics and therefore it is our opinion that for these issues the balancing test for confirming or denying whether any information is held regarding a contract with Cellebrite is not made out.

However, this should not be taken as necessarily indicating that any information that would meet your request exists or does not exist.

In keeping with the Freedom of Information Act, we assume that all information can be released to the public unless it is exempt. In line with normal practice we are therefore releasing the information which you requested, via the City of London Police website.

I hope that this information meets your requirements. I would like to assure you that we have provided you with all relevant information that the City of London Police holds.

The City of London Police is responsible for an extremely small part of London, comprising of the financial square mile in the centre of the City. The resident population is also extremely small, comprising of fewer than 9,000 individuals.

If you are dissatisfied with the handling of your request, or the decision which has been reached, you have the right to ask for an internal review. Internal review requests must be submitted within two months of the date of this response and should be addressed to:

Freedom of Information
Information Management Services
Bishopsgate Police Station
182 Bishopsgate
EC2M 4NP
E-mail: foi@city-of-london.pnn.police.uk

Please mark your complaint clearly and remember to quote the reference number in all correspondence. You have the right to ask the Information Commissioner (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning his investigation.

Thank you for your interest in the City of London Police.

Yours sincerely

Bradley Skinner