



Ministry
of Defence

Ministry of Defence
F3, Building 405
Corsham
Wiltshire
SN13 9NR
United Kingdom

Ref: FOI2022/04511

E-mail: [UKStratComDD-
SecretariatGpMbx@mod.gov.uk](mailto:UKStratComDD-SecretariatGpMbx@mod.gov.uk)

Mr Max Colbert
[request-851785@
00988b15@whatdotheyknow.com](mailto:request-851785@00988b15@whatdotheyknow.com)

19 August 2022

Dear Mr Colbert,

Thank you for your email of 6 April 2022 requesting the following information:

"I'm writing to you under the Freedom of Information Act (2000) to ask that you please disclose to me the user services agreements and copies of the contracts between yourselves and the company dataminr.

If the contracts are not available, I would like a summary of the work undertaken by dataminr.

I would like to know if dataminr is utilising the twitter firehose as part of it's service with you, and if a DPIA was completed for the work undertaken.

I'd also like to know, as I'm aware of how the software operates, which news events have been tracked using the software. This does not need to be an extensive explanation that would endanger operations, but rather to satisfy the clear public interest in this matter. Namely, if protests have been targeted. BLM, XR, Insulate Britain (or other environmental activists), "antifa", anti police violence, or anti arms protests specifically.

I'd also like to know if any further agreements not published on contracts finder exist between the ministry of defence and dataminr please, or if the 2 contracts listed on contracts finder represent use across the Ministry.

Please list any and all exemptions and full reasoning for applying them, should ny apply, and please respond as promptly as possible, or at the very least withing the 20 day legal timeframe as laid out in the FOI Act."

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA). A search for the information has now been completed within the Ministry of Defence (MOD), and I can confirm that some information in scope of your request is held.

(1) Completion of DPIA

With regards to whether a Data Protection Impact Assessment (DPIA) has been conducted for Dataminr's work with MOD, I can confirm that this has been covered by a wider project DPIA. There is a requirement to update this document annually, but in reality it is done more regularly than this (current reference DPIA2022-0088). Please be aware that the wider project for which this DPIA applies has an exemption in place under the Data Protection Act 2018 Section 26 Defence,

which is engaged for the purpose of safeguarding defence activities and military operations, and therefore no documentation relating to it, including the DPIA, can be released.

(2) Contract contents and service agreements, any further contracts, use of Dataminr's software

The remainder of the information you have requested on the content of contracts and user service agreements held with Dataminr and how information provided by their software is used falls entirely within the scope of the exemptions provided for at Section 24 (National Security) and Section 43 (Commercial Interests) of the FOIA. These are qualified exemptions and are subject to public interest testing, which means the information requested can only be withheld if the public interest in doing so outweighs the public interest in disclosure. I have conducted a public interest test and my findings are summarised below:

Section 24 – National Security

I can confirm that the public interest test arguments have been tested both for and against release in relation to the exemption provided for at Section 24(1) of the FOIA. The specific factors for not releasing the requested information meet the criteria of Section 17(4). To state them would involve the disclosure of information which would itself be exempt information under the Act. Any response that would undermine the national security of the UK is very clearly not in the public interest and the information is therefore withheld.

Additionally, under Section 24(2), the MOD neither confirms nor denies whether any further contracts are held with Dataminr beyond the two that are publicly listed on Contracts Finder on the [gov.uk](https://www.gov.uk) website. To do so could lead our adversaries to obtain sensitive information about the type and quantity of information that may or may not be collected by Dataminr for MOD, potentially threatening our capabilities.

Section 43 – Commercial Interests

In favour of release is the presumption towards disclosure, as releasing this information would increase transparency of MOD's commercial interactions.

However, Section 43(2) of the FOIA has been applied because release of information regarding contract details and service agreements would affect the commercial interests of the MOD and would put the Department at a disadvantage in any future negotiations. To give any further detail about the contents of contracts and service agreements would involve the disclosure of information which would itself be exempt information under the Act, and so meets the criteria of Section 17(4). For these reasons I have set the level of "would", rather than "would be likely to" cause harm if released, and the information is therefore withheld.

Additionally, under Section 43(3), the MOD neither confirms nor denies whether any further contracts are held with Dataminr beyond the two that are publicly listed on Contracts Finder on the [gov.uk](https://www.gov.uk) website. To give any further detail about the contents of contracts and service agreements that may or may not exist could involve the disclosure of information which would itself be exempt information under the Act, and so meets the criteria of Section 17(4).

(3) Use of the Twitter firehose

With specific reference to whether Dataminr uses the Twitter firehose as part of its service to MOD, under Section 43(3) the MOD neither confirms nor denies that this takes place. To provide further comment could prejudice Dataminr's commercial interests, as protected by Section 43(2), as the company will have very specific agreements in place with Twitter about what can be provided to MOD, in line with with Twitter's Terms and Conditions.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely,

Defence Digital Secretariat