



Mia Leslie
request-959230-73dd9049@whatdotheyknow.com

www.gov.uk/home-office

Wednesday 5 April 2023

Dear Mia Leslie,

Re: Freedom of Information request – 75193

Thank you for your email of 13 March, in which you ask questions concerning the Electronic Monitoring Review Tool (EMRT). Your request, which can be found in full at **Annex A**, is being handled as a request for information under the Freedom of Information Act 2000 (FOIA).

For questions 1, 2, 4 and 5. I can confirm the Home Office holds some of the information and I am able to disclose the information set out below.

Regarding question 3 and 6, the information requested should be exempted under s.31(1) of the FOIA. Section 31 exemption relates to law enforcement, specifically sub-section (e) the operation of immigration controls.

1) *The similarities and differences between the EMRT and IPIC?*

The EMRT does not contain all of the data points that IPIC will and caseworkers are required to add this data manually. IPIC is still being developed to contain all data points needed. Additionally, the EMRT auto-populates information in the review outcome form. Both tools utilise Home Office data, apply the principles set out in the Immigration Bail guidance and generate a decision recommendation for the caseworker to consider.

2) *The plans to transition the functionality of the EMRT to IPIC?*

The Home Office plan to transition the functionality, once the development of IPIC's electronic monitoring module has been completed, there will be a period of testing, training and user familiarisation. There will also be a period of dual running to ensure that IPIC delivers recommendations that match those expected. A decision will then be taken over when to move solely to using IPIC for providing recommendations for future case actions.

3) *Any training materials or guidance provided to Home Office caseworkers on the use of the EMRT;*

- a) *including training materials or guidance on how caseworkers should consider the decision recommendations made by the EMRT alongside the guidance set out in 'Use of EM' and 'EM and linked supplementary conditions: Review'.***

Under section 31(1)(e) of the Freedom of Information Act (FOIA), the Home Office is not obliged to provide you with information where doing so would prejudice the operation of immigration controls. We have conducted a Public Interest Test (PIT) in relation to this, which can be found in **Annex B**, and determined that the information could be used to circumvent immigration controls as providing internal policies, guidance and standard operating procedures would detail the intricacies of how the tools work which would provide an insight into how work in the Home Office and Immigration Enforcement is triaged. We are therefore unable to comply with your request.

4) The date that the EMRT was first rolled out and began to provide decision recommendations for EM (electronic monitoring) decision makers?

The EMRT was first used to provide decision recommendations from the week commencing 7 November 2022.

5) Whether the EMRT provides a decision recommendation for all individuals granted immigration bail and subject to an EM condition?

a) Whether this decision recommendation includes whether the person should initially have a fitted device issued to them?

b) If the EMRT provides a decision recommendation for all quarterly EM reviews?

The EMRT is only used to provide decision recommendations for individuals whose Electronic Monitoring condition is being reviewed. It is not used to provide an initial recommendation regarding whether any individual being granted immigration bail should be subject to an EM condition. The EMRT is used to assist all reviews for individuals with an Electronic Monitoring condition.

6) The weighting the EMRT attributes to the various harm types, and to other considerations (age, sentence, months on devices overall, compliance with immigration bail, risk of harm posed to the public, etc.) as set out in the Immigration Bail guidance?

The EMRT uses information held by the Home Office relating to an individual's particular circumstances to make a recommendation on the suitability of continued monitoring, based on a number of factors set out in the Immigration Bail guidance. We have concluded that it is not possible to go into further detail as under section 31(1)(e) of the Freedom of Information Act (FOIA), the Home Office is not obliged to provide you with information where doing so would prejudice the operation of immigration controls.

We have conducted a Public Interest Test (PIT) in relation to this which can be found in **Annex B** and determined that the information could be used to circumvent immigration controls as providing internal policies, guidance and standard operating procedures would detail the intricacies of how the tools work which would provide an insight into how work in the Home Office and Immigration Enforcement is triaged. We are therefore unable to comply with your request.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to foirequests@homeoffice.gov.uk, quoting reference **75193**. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the Department's handling of your information request would be reassessed by staff who were not involved in providing you with this response. If you

were to remain dissatisfied after an internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the FOIA.

A link to the Home Office Information Rights Privacy Notice can be found in the following link. This explains how we process your personal information:

<https://www.gov.uk/government/publications/information-rights-privacy-notice>

Yours sincerely,

Immigration Enforcement Secretariat

ImmigrationEnforcementFOIPQ@HomeOffice.gov.uk

From: Mia Leslie <request-959230-73dd9049@whatdotheyknow.com>
Sent: 13 March 2023 15:32
To: FOI Requests <FOIRequests@homeoffice.gov.uk>
Subject: Freedom of Information request - Electronic Monitoring Review Tool (EMRT)

Dear Home Office,

Home Office guidance 'Immigration bail' version 15.0 [Immigration bail.docx \(publishing.service.gov.uk\)](#) dated 27 January 2023, refers at page 47 to a “decision support tool which utilises automated business rules to provide decision recommendations for the decision maker to consider...”.

In response to the Freedom of Information request (ref 72858, available at: [Immigration bail - electronic Monitoring decision support tool - a Freedom of Information request to Home Office - WhatDoTheyKnow](#)) the Immigration Enforcement Secretariat stated that the test name for this tool is “the Electronic Monitoring Review Tool (EMRT)” and that “the tool’s functionality has been aligned to IPIC, IPIC’s Equality Impact Assessment and Data Protection Impact Assessment”.

Please provide the following information:

- 1) The similarities and differences between the EMRT and IPIC.
- 2) The plans to transition the functionality of the EMRT to IPIC.
- 3) Any training materials or guidance provided to Home Office caseworkers on the use of the EMRT;
 - a) including training materials or guidance on how caseworkers should consider the decision recommendations made by the EMRT alongside the guidance set out in ‘Use of EM’ and ‘EM and linked supplementary conditions: Review’.
- 4) The date that the EMRT was first rolled out and began to provide decision recommendations for EM (electronic monitoring) decision makers.
- 5) Whether the EMRT provides a decision recommendation for all individuals granted immigration bail and subject to an EM condition.
 - a) Whether this decision recommendation includes whether the person should initially have a fitted device issued to them.
 - b) If the EMRT provides a decision recommendation for all quarterly EM reviews.
- 6) The weighting the EMRT attributes to the various harm types, and to other considerations (age, sentence, months on devices overall, compliance with immigration bail, risk of harm posed to the public, etc.) as set out in the Immigration Bail guidance.

In the event that you determine some of the information I have requested to be exempt from disclosure, please redact exempt information with black boxes, instead of snipping or excerpting, and please state which category of exemption you believe applies to the information.

Yours faithfully,
Mia Leslie

Public Interest Test (PIT)

Public Interest Test in relation to section 31(1)(e): 31(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: (e) the operation of the immigration controls.

Some of the exemptions in the FOI Act, referred to as 'qualified exemptions', are subject to a public interest test (PIT). This test is used to balance the public interest in disclosure against the public interest in maintaining the exemption. We must carry out a PIT where we are considering using any of the qualified exemptions in response to a request for information.

The 'public interest' is not necessarily the same as what interests the public. In carrying out a PIT we consider the greater good or benefit to the community as a whole if the information is released or not. Transparency and the 'right to know' must be balanced against the need to enable effective government and to serve the best interests of the public.

The FOIA is 'applicant blind'. This means that we cannot, and do not, ask about the motives of anyone who asks for information. In providing a response to one person, we are expressing a willingness to provide the same response to anyone.

Considerations in favour of disclosing the information:

The public have an expectation in knowing how the Home Office utilises decision support tools to ensure they are used responsibly and in line with expectations. One aspect of this would be any supporting documentation such as internal policies, guidance and standard operating procedures as they would provide an insight into how such tools work and how decisions are made. Transparency in this matter would enhance the public knowledge of systems and processes in place, and to some limiting degree, how public money and resource is used.

Considerations in favour of maintaining the exemption:

There is clearly a strong public interest in doing everything we can to detect and prevent crime and protect the public. It is considered that to provide the documentation requested would disclose detailed information on how decision support tools work and how decisions are made. To do so would not be in the public interest as it would prove useful to those who might seek to prejudice the operation of an effective immigration control. There is therefore significant public interest in not providing details of how these triage tools work.

Conclusion:

We conclude that the balance of the public interest lies in maintaining the exemption and withholding the information. It is in the public interest that the Home Office is able to carry out their work and the duties involved in immigration control.