



Ministry of Defence Police

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[REDACTED]
By email – [REDACTED]

Our Ref: eCase: FOI2014/05653 RFI: 181/14
Date: 29 December 2014

Dear [REDACTED]

FREEDOM OF INFORMATION ACT 2000: MINISTRY OF DEFENCE POLICE: HOW MANY OCCASIONS FORCE MADE RIPA APPLICATIONS FOR INFORMATION BETWEEN 1ST JANUARY 2000 AND 7TH OCTOBER 2014.

I acknowledge receipt of your e-mail of 7th October 2014, which we are treating as request for information in accordance with the Freedom of Information Act 2000 (FOIA 2000).

In your email you requested the following information:

“On how many occasions has your police force made Regulation of Investigatory Powers Act applications for information between 1/1/2000 and today’s date, 7 October 2014?”

Please provide a breakdown of many individual RIPA applications have been made in each year between 2000 and 2014.

Please describe the system on which the force’s RIPA records are held”.

A search for information has now been completed and I can confirm that information in scope of your request is held.

- 1. On how many occasions has your police force made Regulation of Investigatory Powers Act applications for information between 1/1/2000 and today’s date, 7 October 2014?**

The Ministry of Defence Police have made 2599 Regulation of Investigatory Powers Act applications for information between 1st January 2000 and the 7th October 2014.

2. Please provide a breakdown of many individual RIPA applications have been made in each year between 2000 and 2014.

Please see table below for yearly breakdown.

YEAR 1st Jan -31st Dec	No of Applications
2000	No records
2001	30
2002	59
2003	55
2004	486
2005	541
2006	385
2007	256
2008	181
2009	222
2010	148
2011	78
2012	85
2013	43
2014	30
TOTAL	2599

3. Please describe the system on which the force's RIPA records are held".

The Ministry of Defence Police hold RIPA records electronically on the force computer system and in hard copy format.

The Ministry of Defence Police can neither confirm nor deny that it holds any other information pertinent to this request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

Section 23(5) Information relating to the Security bodies
Section 24(2) National Security
Section 30(3) Investigations;
Section 31(3) Law enforcement;

Section 23 is an absolute exemption and not subject to a public interest test.

Section 30 is a class based qualified exemption which means the public interest must be considered.

With Section 24(2) and 31(3) being prejudiced based qualified exemptions, there is a requirement for us to evidence harm confirming or denying information is held and also consider the public interest.

Harm in Confirming or Denying Information is Held

The prevention and detection of crime is the foundation upon which policing is built and the police have a clear responsibility to prevent crime and arrest those responsible for committing crime or those that plan to commit crime. To do this the police require evidence and that evidence can come from a number of sources, some of which is obtained through covert means. Having obtained sufficient evidence offenders are charged with offences and placed before the courts. By confirming or denying that information pertinent to this request exists could directly influence the stages of that process, and jeopardise current investigations or prejudice law enforcement.

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 Considerations

Section 24 – National Security

Factors favouring disclosure of information for Section 24 confirming that information is held

The public are entitled to know how public funds are spent and resources distributed within an area of policing. To confirm whether information exists relating to a specific tactic would enable the general public to hold the Ministry of Defence Police to account where RIPA applications are concerned. In the current climate of cuts and with the call for transparency of public spending this would enable improved public debate.

Factors favouring exemption of information for Section 24 confirming or denying that information is held.

Security measures are put in place to protect the community that we serve. As evidenced within the harm to confirm detail of specific types of RIPA applications would reveal covert investigative activity that may or may not have taken place and would highlight to terrorists and individuals intent on carrying out criminal behaviour, covert policing activity. This would ultimately increase the risk of harm to the general public and significantly undermine any ongoing or future operations to protect the security or infrastructure of the United Kingdom and increase the risk of harm to the public.

Taking into account the current security climate within the United Kingdom, no information (such as the citing of an exemption which confirms information pertinent to this request is held, or conversely, stating 'no information is held') which may aid a terrorist should be disclosed. To what extent this information may aid a terrorist is unknown, but it is clear that it will have an impact on a force's ability to monitor terrorist activity.

Section 30 (3) – Investigations.

Factors favouring disclosure of information for Section 30 confirming that information is held

Confirming or denying that information exists relevant to this request would lead to a better informed public improving their knowledge and understanding of how the Police Service adhere to the Regulation of Investigatory Powers Act 2000 for specific cases.

Factors favouring exemption of information for Section 30 confirming or denying that information is held.

By its very nature, information held relating to covert policing and tactics is sensitive in nature. Under FOI there is a requirement to comply with Section 1(1)(a) and confirm what information is held. In some cases it is that confirmation, or not, which could disclose facts harmful to covert policing and in such cases the Ministry of Defence Police takes advantage of its ability under FOI legislation, to, where appropriate, neither confirm or deny that the information requested, is or is not held. The Police Service will never disclose information which could identify investigative activity and therefore undermine their investigations. To do so would hinder the prevention or detection of crime.

Confirmation that information is held would prejudice how investigations are carried out in the future by revealing covert investigative activity. This would hinder the prevention and detection of crime and affect the Ministry of Defence Police law enforcement capabilities. Confirmation would also undermine the partnership approach to investigations.

Section 31(3) Law Enforcement

Factors favouring disclosure of information for Section 31 confirming information is held.

By confirming that information relevant to the request exists, would lead to better public awareness into the intricacies of RIPA legislation and applications submitted under Part 1 Chapter 2 of RIPA. This may lead to more information (intelligence) being submitted from the public which may culminate in a reduction of crime.

Factors favouring exemption of information for Section 31 confirming or denying that information is held

By confirming or denying that information exists would compromise the effective delivery of operational law enforcement. Tactics could be compromised which could hinder the prevention and detection of crime. More crime could be committed and individuals placed at risk.

Balance test

The security of the country is of paramount importance and the Police service will not divulge whether information is or is not held if to do so could undermine National Security or compromise law enforcement. Whilst there is a public interest in the transparency of policing operations and in this case providing assurance that the police service is appropriately and effectively engaging with the threat posed by the criminal fraternity, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in this area.

In this case there is also no requirement to satisfy any public concern over the legality of police operations and the tactics we may or may not use. Our accountability is therefore not enhanced by confirming or denying that information pertinent to this request is held.

None of the above can be viewed as an inference that any other information does or does not exist.

If you are not satisfied with this response or wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1st Floor, MOD Main Building, Whitehall, London SW1A 2HB (email CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate the case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website (<http://www.ico.gov.uk>).

Yours sincerely

MDP Sec Data Protection and Freedom of Information Office