



**Ministry
of Defence Police**

Freedom of Information Manager

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Our Ref: eCase: FOI 2021/13623

RFI: 333/21

Date: 22 December 2021

Dear [REDACTED]

FREEDOM OF INFORMATION ACT 2000: MINISTRY OF DEFENCE POLICE: SOCIAL MEDIA PROVIDER REQUESTS.

We refer to your email dated 9 November 2021 to the Ministry of Defence Police which was acknowledged on the same date.

We are treating your email as a request for information in accordance with the Freedom of Information Act 2000 (FOIA 2000).

In your email you requested the following information:

- 1. How many times has the force made a request to access a user's data on a social media platform for the calendar years 2019, 2020 and 2021 to the present date (9/11/2021)?**

Please provide a breakdown by:

- i) Year**
 -) To which social media company the request was made**
- i) Details of the crime for which the request was made, as you record it in any database relating to this request e.g. by Home Office code or descriptive category e.g. sexual offences, child abuse, etc.**
- ii) The outcome**

For example, this information could be presented in a table as follows:

Year	Social media company	Type of crime	Outcome
2019	Facebook	Code 4/7 OR harm to child	Rejected

- 2. Please could you provide a copy of the guidance or policy issued to police officers as to what data they are able to request from social media companies and when this power can be used.**

Please note: by “data”, I refer to - but not limited to - anything from details of the subscriber to a particular account; to content of any messages/photos/social media posts etc, to IP Login history and geolocation (the geographical location of an object, such as a mobile phone). For more guidance on this and common social media platforms for which police may request data (Facebook/Messenger, WhatsApp, Twitter, Snapchat, Instagram, Tik Tok, YouTube). Please see the definition provided by the CPS for guidance. <https://www.cps.gov.uk/legal-guidance/social-media-reasonable-lines-enquiry>.

Requests for information by social media companies may be referred to as mutual legal assistance requests. If you record your mutual legal assistance requests in a central database, please could you provide a list of the names of the fields.

A search for information has now been completed by the Ministry of Defence Police and I can confirm that we do hold information in scope of your request.

1. How many times has the force made a request to access a user’s data on a social media platform for the calendar years 2019, 2020 and 2021 to the present date (9/11/2021)?

1 in 2021

However the information you have requested as a breakdown of your Question 1 is being withheld under Section 31- Law Enforcement. Section 31 is a prejudice based qualified exemption and there is a requirement to conduct a Public Interest Test to consider whether releasing the information is appropriate. I have conducted a Public Interest Test (PIT) and concluded that the balance favours exempting the information from release.

Section 31(1) Law Enforcement

Section 31(1) applies because although FOI is based on a presumption of release of information for reasons of transparency, there is a stronger argument in that the public expect the Police Service to use all available powers and tactics to prevent and detect crime or disorder and maintain public safety. The Police Service will not release information relating to policing tactics that can adversely impact on the prevention and detection of crime .

2. Please could you provide a copy of the guidance or policy issued to police officers as to what data they are able to request from social media companies and when this power can be used.

No information held.

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

MDP Secretariat and Freedom of Information Office