



Ministry of Defence Police

Freedom of Information Manager

Ministry of Defence Police

Palmer Pavilion,

Building 666,

RAF Wyton, Huntingdon,

Cambs, PE28 2EA

E-mail: MDP-FOI-DP@mod.gov.uk

Our Ref: eCase: FOI2023/08401

RFI: 168/23

Date: 25 July 2023

Dear [REDACTED]

FREEDOM OF INFORMATION ACT 2000: MINISTRY OF DEFENCE POLICE: DIGITAL EVIDENCE MANAGEMENT (DEMS) SYSTEM

We refer to your email dated 06 July 2023 to the Ministry of Defence Police which was acknowledged on the 06 July 2023 by The Ministry of Defence Police.

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:

Who provides your digital evidence management (DEMS) system?

What date does this contract end and are there any extension periods to this date as part of the contract?

What is the net spend on your current DEMS contract?

What procurement route do you intend to use when going to market for a new solution?

Who is the main contact in charge of your DEMS contract and the current solution?

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

Who provides your digital evidence management (DEMS) system?

The Ministry of Defence Police is unable to release information relating to Digital Evidence Management Systems (DEMS) supplier(s) as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 (the Act) does not apply by virtue of the exemption in Section 31(1) – Law Enforcement. This is a prejudice based qualified exemption and there is a requirement to articulate the harm that would be caused in releasing the information and carry out a

public interest test. The balance of this test favours not releasing the information requested.

Section 31(1) is engaged as to release the information would have a detrimental impact on Law Enforcement and would weaken the mechanisms used to investigate criminal activity.

What date does this contract end and are there any extension periods to this date as part of the contract?

The current contract ends in February 2024. Contract extensions are being considered.

**What is the net spend on your current DEMS contract?
What procurement route do you intend to use when going to market for a new solution?**

No information held.

Who is the main contact in charge of your DEMS contract and the current solution?

The Ministry of Defence Police Business Resilience Manager.

Further details in relation to the Business Resilience Manager fall entirely within the scope of the exemption provided for at Section 40 (Personal Data) of the Freedom of Information Act 2000. Section 40(2) has been applied in order to protect personal information as governed by the Data Protection Act 2018.

Section 40(2) requires the Department to conduct a balancing exercise, this exercise involves balancing the rights and interests of individuals against the legitimate interests in disclosure, this is not the same as carrying out the public interest test associated with certain exemptions in FOIA. The balancing exercise is carried out in order to decide whether the absolute exemption in section 40(2) is engaged. In particular, there is no assumption of disclosure in the legitimate interests test, as there is with qualified exemptions. The outcome of the balancing exercise favours withholding the personal data relevant to this request.

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