



16th July 2019

Freedom of Information Request Reference N^o: FOI 002208/19

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 13th June 2019 in which you sought access to the following information:

- 1 Does your force currently use any form of artificial intelligence, machine learning, or other automated system to analyse the digital information collected from complainants of sexual offences' digital devices? For reference, "collected" in this context should be taken to mean and include any form of examination, access, extraction, copying or download of such digital information from digital devices, whether by self-service kiosks (SSKs), other device extraction software, or by external digital forensic examiners. If yes, please provide details of:
 - I the system or technology that your force is currently using.
 - II for what purpose the system or technology is being used.

- 2 Is your force currently trialling any form of artificial intelligence, machine learning, or other automated system to analyse the digital information collected from complainants' digital devices or have plans to trial or use this technology in the next 2 years? If yes, please provide details of:
 - I the system or technology that your force is planning on using or trialling.
 - II for what purpose the system or technology will be used.

Response to your Request

The response provided below is correct as of 27th June 2019.

Norfolk and Suffolk Constabularies have located the following information as relevant to your request.

Q1 The Constabularies can confirm the use of software in order to take a forensic copy of devices in order to have a working product without using the original. No further details will be disclosed as the exemption at section 31(1)(a)(b) is engaged.

Q2 No relevant information held.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at section 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at section 1(1)(b) is to disclose information that has been confirmed as being held.

Section 17 of the Freedom of Information Act 2000 requires that Norfolk and Suffolk Constabularies, when refusing to provide such information (because the information is exempt) is to provide you, the applicant, with a notice ban, which:-

- (a) States that fact
- (b) Specifies the exemptions in question, and
- (c) States (if that would not otherwise be apparent) why the exemption applies

The information is exempt from disclosure by virtue of the following exemption:-

- **Section 31(1)(a)(b) – Law Enforcement**

Section 31 is a qualified, prejudice based exemption and I am therefore obliged to articulate the harm that would be caused in disclosure of the information, as well as carrying out a public interest test.

Section 31

Harm in Disclosure

The Constabularies ability to examine devices is continually evolving as technologies develop and investigations are being carried out where digital media holds evidential information.

It is well established that Police forces will use all available technologies in order to counteract criminal activity. Where a disclosure is made that will provide information concerning the way in which the Constabularies carry out investigations, there is a clear risk that harm may be caused by disclosing the capabilities and strengths/weaknesses of the Constabularies with regards law enforcement.

To release details of the supplier or reference the software/system used, this could potentially lead to those involved in crime to gain an understanding of our capability and target a company, in order to develop counter measures to this tool to enhance criminal activity.

It is the Constabularies aim to apprehend offenders and therefore we would not wish to provide any information that may assist an offender in establishing how the forces conduct investigations, which would be prejudicial to law enforcement. This would consequently impact on future capabilities and effectiveness in crime detection and prevention.

Factors favouring Disclosure

Disclosure of relevant information would show an openness and transparency with of the Constabularies capabilities with regard to obtaining evidence from digital devices. This would show that the forces are using all available options in order to tackle criminal activity and detect offenders.

Increased public awareness of such technologies could result in more information being provided to the police which would assist during the investigative process and help to secure prosecutions.

There is a public interest in the use of public funds and the spend on new technologies in order to obtain best evidence.

Factors favouring Non-Disclosure

Whilst members of the public would have an increased of awareness of the Constabularies capabilities with regard to extracting information from devices, this would also be beneficial to individuals involved in criminal activity. This could lead to them destroying evidence and taking steps to avoid detection.

Considerable public funds are used to ensure that the Constabularies keep up to date with emerging technologies. This will include employing specialist in this area and investing in training. If the Constabularies were to disclose the details of their capabilities, this would be detrimental to current and future investigations and operations. This would not be a good use of public money and additional funds would be required.

Balance Test

There is a public interest in the way in which the Police use public funds. Providing this information would also reassure the public that the Police are doing all they can to ensure evidence is appropriately examined. Public awareness leading to more accurate public debate is a strong factor when considering a disclosure.

It cannot be justified that the public interest would be served in releasing the details if to do so would jeopardise future crime prevention and law enforcement, leading to a lack of trust in the Constabulary and inhibiting the flow of information as a result of this loss of confidence.

The Constabularies would not disclose information if it could impact on any current or future operations. Therefore at this moment in time, it is our opinion that, for these reasons, the balance test for disclosure is not made out.

This response will be published on the Constabularies web-site under the Freedom of Information pages:-

<https://www.norfolk.police.uk/about-us/our-data/disclosure-log>

<https://www.suffolk.police.uk/services/freedom-information/disclosure-logs>

Should you have any further queries concerning this request, please contact Amanda Gibson, FOI Decision Maker, quoting the reference number shown above.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;

<http://www.opsi.gov.uk/>

Norfolk and Suffolk Constabularies are not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.

Your Right to Request a Review of Decisions Made Under the Terms of the
Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask the Norfolk and Suffolk Constabulary to review their decision.

Ask Norfolk and Suffolk Constabularies to look at the decision again.

If you are dissatisfied with the decision made by Norfolk and Suffolk Constabularies under the Freedom of Information Act (2000), regarding access to information, you must notify the Norfolk and Suffolk Constabulary that you are requesting a review within 40 days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker
Information Management Department
Norfolk Constabulary
Operations and Communications Centre
Jubilee House
Falconers Chase
Wymondham
Norfolk NR18 0WW
OR
Email: freedomofinformation@norfolk.pnn.police.uk*

In all possible circumstances Norfolk and Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 20 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Norfolk and Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at www.ico.org.uk or contact them at the address shown below:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 700