

REQUEST**Freedom of Information Act Request re: mobile phone data extraction carried out at local police stations and Hubs**

My request relates to the existence and use of local (a.k.a. 'in-house') mobile phone extraction / examination kiosks.

I seek information relation to the existence of these frontline self-service kiosks; their use; any review conducted into the practice of mobile phone extraction/examination; relevant policy or guidance documents.

Please note that I set out below in the 'background information' the various reports which refer to these self-serve kiosks and 'Hubs'. If your force does not refer to them as self-service kiosks or downloading kiosks but uses other terminology, the request applies. The information sought relates the procedure whereby mobile phones are examined at the local police force by officers who are not part of the High Tech Crime Unit.

Request for information

1. Does your police force carry out mobile phone data extract in low level crime cases using self-service / downloading kiosks? Please provide your definition of a low-level crime.

Yes, however they are risk assessed. The kiosks will be used on 'low level' crime that do not meet the threshold requirement to be submitted to Digital Forensics.

2. Does your police force carry out mobile phone data extract in serious crime cases using self-service / downloading kiosks?

No, all serious crime investigations should be submitted to Digital Forensics

3. If your police force is not currently using mobile phone extraction kiosks, have you trialled this?

WMP are about to embark on a full evaluation trial, following initial identification of units.

4. Does your police force use Hubs to carry out mobile phone data extract in low level crimes?

No - Kiosks are available at Digital Forensics

5. Does your police force use Hubs to carry out mobile phone data extract in serious crimes?

No -this work is directed to Digital Forensics

6. Do you centrally record mobile phone data extracted from kiosks?

Yes audits will take place on the kiosks as part of the evaluation process

7. If you have a mobile phone extraction kiosk, please provide the name of the company which provides the hardware / software / to whom you pay a licence for the relevant tools.....

This information is exempt by virtue of Section 31(1)(a)(b), please see the detailed Public Interest rationale, at the end of the questions

8. Please confirm whether or not a review has been conducted into the use of the self-service kiosk. Please note below PEEL reports and North Yorkshire report by way of example.

This is taking place at the moment. Data metrics will be collected to help support potentially a force wide kiosk solution.

9. Please provide copies of the current relevant force level and/or national level guidance for the use of downloading kiosks.

None available at the moment from force

As far as our data supplier is aware there is no National Policy as it currently stands. However there will be a requirement to operate the equipment in line with ISO Standards, which are a national requirement. This is something that is being worked on at the moment with each force being responsible to set out their own policy around this.

10. Please provide copies of the current relevant force level and/or national level policy for the use of downloading kiosks.

As far as our data supplier is aware there is no National Policy as it currently stands. However there will be a requirement to operate the equipment in line with ISO Standards, which are a national requirement. This is something that is being worked on at the moment with each force being responsible to set out their own policy around this

11. How many officers are trained in mobile phone extraction in low level crime at your police force?

55 staff have had various forms of training

12. Do officers carry mobile phone examination kits on patrol and/or in vehicles and / or for other operational for use in (a) low level crimes? (b) Serious crimes?

No

PUBLIC INTEREST TEST

Section 31 (1)

Harm

Release via the Freedom of Information Act is deemed release into the public domain. Therefore what information is held, would allow criminals to accurately evaluate the capability of WMP to deploy specific communication analysis

technology. Such detailed knowledge would allow criminals to make a judgement regarding the techniques that have been or may be used against them and therefore to take measures to avoid specific techniques.

Considerations that favour Disclosure

Disclosing information about technologies used by police would provide a greater transparency in their actions and ensure that they operate effectively and efficiently. It is clear that there is a public interest in public authorities operating in as transparent a manner as possible, as this should allow the public to understand how the force spends public money.

Disclosing what specific technologies are employed should provide the necessary safeguards and satisfy the public interest regarding the use of techniques by the police. Disclosing specific technologies could help to ensure that the police are accountable for the techniques they employ.

Considerations against Disclosure

Where current or future law enforcement role of the force may be compromised by the release of information, then this is unlikely to be in the interest of the public.

Knowledge of the technologies available to WMP would allow criminals to judge which devices are most difficult to unlock and to choose those in order to avoid detection. It would also allow them to employ other methods to counteract the specific technologies available to WMP. This would compromise the future prevention and detection of crime.

Detailing the companies we use for specific technologies, could put the companies themselves at risk, criminals could target these companies putting them and their employees at increased risk.

It has recently been reported that a mobile phone company, linked to law enforcement in the USA was attacked

<http://www.bbc.co.uk/news/technology-38607670>

Therefore to provide detailed information in relation to the companies the force employ for specific technologies, would make them a target for cyber-attacks, eroding our ability to protect the companies, the tactic and the data

Balancing Test

The issues of transparency and awareness are noted. However, on balance it is considered that the public interest in disclosing the information is outweighed by the potential impact release would have on future law enforcement activities.

Disclosing what information is held by the public authority might provide a greater transparency regarding the techniques utilised by the Force, there are already a number of checks and balances on police forces which ensure that appropriate technologies are used in a proportionate and lawful manner. There are legislative requirements placed on the police, such as the Police and Criminal Evidence Act and the Regulation of Investigatory Powers Act. Police activity is monitored by independent bodies such as Her Majesty's Inspectorate of Constabulary, the

Independent Police Complaints Commission, The Interception of Communications Commissioners Office and the Office of the Surveillance Commissioner. There are, therefore, already a number of mechanisms in place to ensure that the police act in a lawful and appropriate manner.

Disclosing information in this case would place into the public domain information that would allow criminals to avoid detection and target their activities. To undermine the police's ability to prevent and detect crime would not be in the public interest. The wider public interest lies in protecting the ability of the police to utilise these techniques effectively and in a proportionate manner, given that there are already a number of independent mechanisms in place to ensure that the technology is used fairly and lawfully.

Having considered the arguments for and against, the public interest test favours maintaining the exclusion of disclosing further information West Midlands Police will not disclose information that could compromise the future law enforcement role of the force.