

I am researching the use of social media for conducting enquiries into tracing offenders and its impact on Human Rights and Data Protection legislation.

I have some questions in relation to your forces approach to this matter.

1. Does your force undertake enquiries on Social Media to trace offenders using their publically available profiles or linked profiles?
2. If so what record do you keep of those enquiries?
3. If not what is your forces position on those enquiries?

The monitoring of an individual's activity online is governed by the Regulation of Investigatory Powers Act 2000 (RIPA). RIPA ensures that an individual's rights, including their article 8 right to privacy, are considered and where appropriate are protected. The act defines activity which is considered to be surveillance and therefore requires a directed surveillance authority. Our open source investigators are therefore obliged to seek such an authority when monitoring an individual's activity online. The criteria for consideration include the need to prevent or detect crime, that such activity is indeed necessary and proportionate and that the risk of any potential collateral intrusion into third parties is being appropriately managed and minimised. West Midlands Police's compliance with RIPA is inspected regularly by the Office of the Surveillance Commissioner. For operational security reasons we cannot publicly disclose exactly when we do or do not undertake any such activity.

4. Do you feel they breach Article 8 Right to a private life or Data Protection?
5. Or has this not been considered?
6. Do you expressly forbid those types of enquiries being conducted?

Questions 4 – 6 – These questions are asking for opinion, which does not fall under the remit of the FOI Act – therefore there is no recorded information held, please see the following link:

<https://ico.org.uk/for-the-public/official-information/>

7. Does your Force have a policy relating to the use of social media for investigations? If so can I please have a copy emailed to me.

Please find attached a redacted copy. Some information is exempt by virtue of Section 31 of the Freedom of Information Act. See covering letter.