

Harm

Any disclosure under FOI is a release to the public at large. Whilst not questioning the motives of the applicant, confirming or denying if Geospy AI is used by West Midlands Police could reveal operational tactics linked to policing, compromise police investigations and/or adversely affect the ability of West Midlands Police and others to safeguard national security.

It is well established that police forces utilise intelligence gathering techniques in order to counteract criminal behaviour, detect crime, and assist in the apprehension and prosecution of offenders.

Modern day policing is intelligence led and law enforcement depends upon the development of intelligence and the gathering and security of evidence in order to disrupt criminal behaviour and bring offenders to justice. To do this, forces rely on access to relevant tools to gather intelligence in a way that would be too resource intensive to do manually. When considered on a Force by Force basis, a malign individual could identify those tactical options most critical to the Law-and-Order sector and specifically target those proving the most assistance. Accordingly, to confirm or deny as to whether any particular software or tool is used by police to gather such intelligence would allow those with malicious intent to target cyber-attacks on those producers, causing disruption or service denial to police forces and thereby preventing intelligence acquisition and undermining law enforcement.

The threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. Since 2006, the UK Government has published the threat level based upon current intelligence, and that threat is currently judged as "[SUBSTANTIAL](#)", meaning that an attack on the UK is likely. It is well established that police forces use tactics and technology to gain intelligence in order to counteract criminal behaviour, and it has been previously documented in the media that many terrorist incidents have been thwarted due to intelligence gained by these means.

Confirming or denying whether any information is held about the use of specific internet intelligence gathering tools/platforms would limit operational capabilities as criminals/terrorists would gain a greater understanding of the police's methods and techniques, enabling offenders to take steps to counter them. It may also suggest the limitations of police capabilities in this area, which may further encourage criminal/terrorist activity by exposing potential vulnerabilities.

Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on both National Security and Law Enforcement.

Public Interest Test

Factors favouring Confirming or Denying for Section 24

The information, if held, only relates to national security and confirming or denying whether it is held would not actually harm it. The public are entitled to know what public funds are spent on and what measures are in place. By confirming or denying if business is conducted with Geospy AI, or any other likeminded third-party provider, would lead to a better-informed public.

Factors against Confirming or Denying for Section 24

By confirming or denying whether any information is held would render policing and security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK and increase the risk of harm to the public.

Factors favouring Neither Confirming or Denying for Section 31

Confirming or denying whether business is conducted with Geospy AI, or any other likeminded third-party provider, would provide an insight into the Police Service. This would enable the public to have a better understanding of the effectiveness of the police and about how the police gather intelligence. It would greatly assist in the quality and accuracy of public debate, which could otherwise be steeped in rumour and speculation. Where public funds are being spent, there is a public interest in accountability and justifying the use of public money.

Factors against Confirming or Denying for Section 31

Confirming or denying that any information is held regarding business with Geospy AI, or any other likeminded third-party provider, would have the effect of compromising law enforcement tactics. It has been recorded that FOIA releases are monitored by criminals and terrorists and so to confirm or deny information is held concerning intelligence gathering would lead to law enforcement being undermined. The Police Service is reliant upon all manner of techniques during operations and the public release of any modus operandi employed, if held, would prejudice the ability of the Police Service to perform the functions it exists to provide.

By confirming or denying that a business interest exists would hinder the prevention or detection of crime. The Police Service would not wish to reveal what tactics may or may not have been used to gain intelligence as this would clearly undermine the law enforcement and investigative process. This would impact on police resources and more crime and terrorist incidents would be committed, placing individuals at risk. It can be argued that there are significant risks associated with providing information, if held, in relation to any aspect of investigations or of any nation's security arrangements so confirming or denying that information is held, may reveal the relative vulnerability of what we may be trying to protect.

Decision

The security of the country is of paramount importance and West Midlands Police will not divulge whether any information is or is not held regarding business with any company, if to do so would place the safety of an individual at risk, undermine National Security or compromise law enforcement.

Whilst there is a public interest in the transparency of policing operations and providing assurance that the West Midlands Police is appropriately and effectively engaging with the threat posed by various groups or individuals, there is a very strong public interest in safeguarding the integrity of police investigations and all areas of operations carried out by police forces throughout the UK.

As much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances. The use of technology can be a sensitive issue that would reveal police tactics and therefore it is our opinion that for these issues the balancing test for confirming or denying whether any information is held regarding the police, Geospy AI, or any other likeminded third-party provider, is not made out.

However, this should not be taken as necessarily indicating that any information that would meet your request exists or does not exist.