



FOI Reference: 703/2018

Request:

How many times in the past three years to date have you asked Facebook to access information in relation to a criminal investigation from Facebook?

How many times has Facebook provided the information without the need of a court order through the Department of Justice in the USA?

How many times have you had to apply for a court order through the Department of Justice in the USA to get information from Facebook to aid a criminal investigation?

Where successful, did Facebook charge you for accessing the information requested and how much did you pay them in total?

Response 1:

I can confirm that Dyfed-Powys Police does hold the information requested, as outlined below.

239 requests have been made during specified time period.

Please note: The above figure relates to both Facebook and Instagram requests as this information is recorded as an overall figure and cannot be broken down specifically to Facebook only.

Responses 2 - 4:

I can confirm that there is no information held by Dyfed-Powys Police due to the fact that this information is not recorded by the force.

It should be noted that as a result of the systems adopted by Dyfed-Powys Police in relation to the recording of such information that the information released may or may not be accurate.

In addition to the above information, Dyfed-Powys Police Force can neither confirm nor deny that it holds any other information relevant to your request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

Section 23(5) Information supplied by, or concerning, certain Security Bodies Section 31(3) Law Enforcement

Section 23 is a class-based absolute exemption and there is no requirement to articulate to the applicant the harm in disclosure or the findings of a public interest test.

Section 31 is a prejudice based qualified exemption and as such there is a requirement to provide details of the harm as well as the public interest test.

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. Where exemptions are relied upon, Section 17 of Freedom of Information Act requires that we provide the applicant with a notice which:

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

Evidence of Harm

Public safety is of paramount importance to the policing purpose and must be taken into account in deciding to disclose whether the information is or is not held. Furthermore, confirming if particular tactics are used and confirming policing methods which are not in the public domain may prejudice the use of this method by allowing criminals to adopt counter measures.

To confirm or deny whether we hold any further information, would allow interested parties to gain an upper hand and awareness of policing policy and decisions. To confirm or deny that any other information is held or provide details relating to what may or may not be held may be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public, and this would also impact upon any current investigation.

Public Interest Test

Factors favouring confirmation or denial for Section 31:

Confirming or denying whether any further information is held would allow the public to see where public funds have been spent and allow the police service to appear more open and transparent.

Factors against confirmation or denial for Section 31:

By confirming or denying whether any further information is held would mean that law enforcement tactics would be compromised which would hinder the prevention and detection of crime. Investigation procedures and tactics are re-used and have been monitored by criminal groups, fixated individuals and terrorists. These procedures and tactics would need to be reviewed which would require more resources and would add to the cost to the public purse.

Balancing Test

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The safety of the public is of paramount importance and the Police Service will not divulge whether any other information is or is not held if to do so would place the safety of an individual at risk or undermine an investigation. Whilst there is a public interest in the transparency of policing, providing assurance that the Police Service is appropriately and effectively engaging with the threat from criminals, there is a very strong public interest in safeguarding policing techniques and the integrity of the police, in knowing that policing activity is appropriate and balanced, which will only be overridden in exceptional circumstances.

It is therefore our opinion that for these issues the balancing test for confirming or not that any other information is held, is not made out.

No inference can be taken from this refusal that the information you have requested does or does not exist.