

**Information Governance Unit  
Information Management Branch**

26<sup>th</sup> August 2009

Dear XXXX,

**FREEDOM OF INFORMATION REQUEST REFERENCE NO: XXXX**

I write in connection with your request for information dated 15<sup>th</sup> July 2009, I note you seek access to the following information:-

**The number of times that your force has used the RIPA act to keep a person or persons under surveillance for the following years -**

**2008-09  
2007-08  
2006-07  
2005-06  
2004-05**

**Please state for each case what the crime was that was alleged to have been committed (or why the person or persons was or were being kept under surveillance).**

Your request above in particular you're meaning, "to keep a person or persons under surveillance", Greater Manchester Police refers this to be Part II (Surveillance and CHIS) of the RIPA.

Greater Manchester Police can provide statistics for Directed Surveillance Authorities (DSA) for the following time periods:-

01/04/05 – 31/03/06 = 1336  
01/04/06 – 31/03/07 = 1486  
01/04/07 – 31/03/08 = 1250  
01/04/08 – 31/03/09 = 1170

However, to provide you with the crime categories in regards to the above statistics the cost of providing you with this information is above the amount to which we are legally required to respond i.e. the cost of locating and retrieving the information exceeds the 'appropriate level' as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004.

This information is not easily retrievable and would involve assessing 5,242 records. Therefore, this process would take the fees and appropriate limit over £450.00 (over 18 hours work) to comply with your request.

In accordance with Section 12(1) of the Freedom of Information Act 2000, this letter acts as a Refusal Notice for this part of the request.

If you wish to refine your request please contact this office on the number below, to discuss this further.

Furthermore, Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities, unless exemptions apply. The first duty at s1(1)(a) is to confirm or deny whether any information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon section 17 of FOIA requires that we provide the applicant with a notice which: a) states that fact b) specifies the exemption(s) in question and c) states (if that would not otherwise be apparent) why the exemption applies.

Greater Manchester Police, can neither confirm nor deny that it holds any further information relevant to your request as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:-

Section 23(5) Information relating to the Security bodies.

Section 24(2) National Security.

Section 30(3), which is a qualified exemption and relates to Investigations.

Section 31(3), which is a prejudiced based and qualified exemption and relates to Law Enforcement.

Sections 23(5) is an absolute exemption but sections 24(2), 30(3) and 31(3) are qualified and require us to carry out a public interest balancing test before they can be relied upon.

In respect of all three qualified exemptions we have determined that in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in confirming whether we hold the information.

The Police Service is committed to demonstrating proportionality and accountability regarding surveillance techniques to the appropriate authorities. If the Police Service were to either confirm or deny that this information exists or not, other covert surveillance tactics will either be compromised or significantly weakened.

If the Police Service denies a tactic is used in one request but exempts for another, individuals can determine the 'exempt' answer is in fact a technique used in policing. The impact could undermine ongoing investigations and any future planned investigation, as it would enable targeted individuals/groups to become surveillance aware thus enabling them to avoid detection, and inhibit the prevention and detection of crime.

**Factors Favouring Compliance with Section 1(1)a (To confirm or deny)**

Confirming or denying that these powers have been used would increase public scrutiny of police actions and in turn hold the police service to account.

It is appreciated that members of the public will naturally be interested in techniques employed for surveillance. Likewise, we also understand some people believe surveillance (in any form) is used too widely, and therefore an unnecessary intrusion into their privacy. Confirmation or denial of the use of this operational tactic will enable better informed public debate.

**Factors favouring the need to NCND**

To confirm or deny if this information does or does not exist will render policing tactics ineffective as previously outlined. A legislative scrutiny framework already exists for RIPA activity: Police surveillance activity is subject to annual inspection by the Interception of Communications Commissioners Office (IOCCO) and Office of Surveillance Commissioners (OSC). These inspections assess each constabulary's compliance with the legislation and a full report is submitted to the Prime Minister and Scottish Ministers containing statistical information.

Therefore, at this time, the balance of the public interest favours maintaining our stance in being unable to confirm or deny that such information exists.

This refusal should not be taken to mean that the information you have requested exists or does not exist.

**Complaint Rights**

Your attention is drawn to the attached sheet, which details your right of complaint.

Should you require any further assistance or clarification then please do not hesitate to contact me.

Yours faithfully

**Information Access Officer**