

12 August 2025

FOI Ref 21537

Request - You asked us the following:

I am requesting information into the use of IMSI technology by Staffordshire Police.

[1] The dates and times when IMSI-catcher devices or Covert Communications Data Capture (CCDC) devices were deployed.

[2] A copy of documentation which details the justification to deploy IMSI-catcher devices or Covert Communications Data Capture (CCDC) devices.

We received your request on 03/07/2025 and have processed this under the Freedom of Information Act (FOIA).

Staffordshire Police's response to your enquiry is as follows:

- [1] The dates and times when IMSI-catcher devices or Covert Communications Data Capture (CCDC) devices were deployed.
- [2] A copy of documentation which details the justification to deploy IMSI-catcher devices or Covert Communications Data Capture (CCDC) devices. – **Neither confirm nor deny, please see below.**

The following exemptions have been applied:

In accordance with Section 17(1) of the Freedom of Information Act, this letter represents a refusal notice for this particular request.

- Section 24 – National Security

Section 24 is a qualified exemption and as such there is a requirement to articulate the harm and conduct a test of the public interest.

- Section 23(1) – Information supplied by, or concerning certain security bodies

Section 23 is an absolute class-based exemption and as such does not require the application of a Public Interest Test.

- Section 30(3) – Criminal Investigations

Section 30 is qualified and class-based and, as such, we are required to apply the public interest test.

- Section 31 (3) (1) (a) (b) - Law Enforcement.

The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1 (1) a would, or would be likely to, prejudice any of the matters mentioned in the subsection (1).

- Section 40(5) Personal Information

Section 40(5) is an absolute exemption which means that there is no need to quantify the harm that may arise from the disclosure; neither is it subject to a public interest test.

To release personal or third-party information held by Staffordshire Police, would breach the data protection principles; namely –

- Data is lawfully and fairly processed.
- Processed in line with an individual's rights.
- Data is secure.

Personal and third-party information cannot be released under the Freedom of Information Act.

Disclosure under Freedom of Information is a release of information to the world in general and not an individual applicant.

Harm:

Disclosure under FOIA is a release to the public at large. Whilst not questioning the motives of the applicant, confirming or denying that information is held would provide valuable insight to criminals on the capacity, tactical abilities and capabilities of the force, allowing them to conduct their criminality in a manner which would avoid detection. Confirming or denying any information is held relevant to this request would therefore lead to an increase of harm to investigations and compromise law enforcement. This would prejudice the provision of an efficient and effective policing service, and a failure to provide a duty of care to all members of the public.

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 that any information is held would limit operational capabilities as criminals/terrorists would gain a greater understanding of the police forces' methods and techniques, enabling them 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. This detrimental effect is increased if the request is made to several different law enforcement bodies. In addition to the local criminal fraternity now being better informed, those intent on organised crime throughout the UK will be able to 'map' where the use of certain tactics are or are not deployed. This can be useful information to those committing crimes because it would have the likelihood of identifying location-specific information which would ultimately compromise police tactics, operations and future prosecutions, as criminals could counteract the measures used against them.

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 security measures are in place, and confirming or denying information is held would lead to a better informed public.

Factors against Confirming or Denying for Section 24

Confirming or denying whether any information is held would render security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infrastructure of the UK, increasing the risk of harm to the public.

Factors favouring confirming or denying for Section 30

Investigations may be closed and any proceedings may have been completed. Investigations may have been high profile, and had national implications.

Factors against confirming or denying held for Section 30

Confirming or denying the use of specialist techniques in investigations would hinder the gathering of intelligence and evidence, which would prejudice current and ongoing investigations as any possible future proceedings.

Factors favouring Neither Confirming or Denying for Section 31

Confirming or denying whether information is held would enable the public to have a better understanding of the effectiveness of the police and about how the police gather intelligence, and prevent and detect crime. It would 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 would have the effect of compromising law enforcement tactics, revealing capabilities and potentially, vulnerabilities.

It has been recorded that FOIA releases are monitored by criminals and terrorists, and so confirming or denying information is held concerning specialist covert tactics as well as providers of certain tactical options 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 conduct similar investigations.

It can be argued that there are significant risks associated with providing information, if held, in relation to any aspect of these tactical capabilities and by extension, of the nation's security arrangements. 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.

Balance Test

The security of the country is of paramount importance and Staffordshire Police will not divulge whether any information is or is not held 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 Staffordshire 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 covert tactics used in 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 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.

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Staffordshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing within two months of the date of receipt of this email, and should be addressed to:

foi@staffordshire.police.uk

Or by Post to:

Central Disclosure Unit
Staffordshire Police HQ
PO Box 3167
Stafford
ST16 9JZ

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Central Disclosure Unit within two months of the Force's response to the original FOI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing. The review will be conducted by another Decision Maker who is independent from the original Decision Maker. The Central Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within 20 working days. In more complex cases the review may take up to 40 working days.

The independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

ICO Website for complaints link: <https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/>

Freedom of Information
Central Disclosure Unit