

Our Ref: FOI 21285
Your Ref: FOI 17834
Date: 06 May 2025

Internal Review

Re: Request for internal review of response to application for information under the provisions of the Freedom of Information Act 2000, original request first notified to Staffordshire Police on 13/02/2025

We refer to the above request which was expressed in the following terms:

Please accept this request under the Freedom of Information Act. I'm seeking copies of any and all of the following documents in relation to your organisation's use of services provided by Palantir Technologies UK Ltd.

A list of current and past contracts, with start and end dates (where applicable) Any and all Data Processing Arrangements Any and all Data Sharing Agreements Any and all Data Protection Impact Assessments

I note that many UK police forces have previously declined to confirm or deny the existence of information relating to Palantir. However, police forces including Bedfordshire and Leicestershire have since publicly confirmed using the company's services, setting a precedent for disclosure.

Additionally, Palantir is a well-known provider of products that rely on artificial intelligence. The NPCC's Covenant for Using Artificial Intelligence in Policing, endorsed by all UK police forces, states that "all use of AI will be subject to "Maximum Transparency by Default"

Further to the above, we also note the following comments made within your request for Internal Review.

Thank you for your response to my FOI request. I would be grateful if you could refer this case for an internal review.

I note that you have refused to confirm or deny whether the requested information is held, citing Sections 21(2) and 31(3) of the FOI Act. Both these exemptions are prejudice-based and require a public authority to consider the extent to which confirming or denying would result in a real and significant likelihood of prejudice. The ICO advises authorities they must demonstrate "a 'causal link' between the disclosure and the prejudice claimed" and "show how disclosing the specific information requested would or would be likely to lead to the prejudice described". The refusal notice indicates Staffordshire Police is seeking to establish that the higher threshold of prejudice applies, stating that to disclose the requested information "would allow criminals and other adversaries to take steps to counteract a specific tool". The ICO has described this higher threshold as meaning the prejudice is "more probable than not" to occur.

This claim is clearly unsupported. To confirm or deny that the requested information is held would do nothing more than establish whether a commercial relationship exists between Staffordshire Police and Palantir Technologies. To do so would reveal no details about the products or services being provided or

any operational capabilities. When the ICO considered a similar scenario in September 2018, in a case where a complainant had sought information about Bedfordshire Police's Internet of Things capabilities (ref FS50739797), the Commissioner made a number of observations that are pertinent to this case.

In the Bedfordshire case, the Commissioner said: "Confirming that the requested information is held would disclose to the public that Bedfordshire Police holds information about its digital investigation and intelligence capabilities ... the Commissioner considers that, in the particular circumstances of the case, confirmation (if held) would not reveal something that is not already likely to be obvious to the public ... by confirming that it holds information about its digital investigatory capabilities, Bedfordshire Police would not be disclosing information about the extent of those capabilities.

As noted in the refusal notice in this case: "It is well established that police forces use publicly available data in order to counteract criminal behaviour." Furthermore, it is already a matter of public record that police forces, both individually and on a nationally coordinated basis, are seeking to develop and procure advanced data analysis and machine learning capabilities. The National Policing Digital Strategy 2020-2030 states that the "game-changing promise of big data and machine learning requires policing to treat data as a strategic asset in how it is captured, managed and analysed." Meanwhile, the NPCC has announced the launch this autumn of a National Data and Analytics Office that will provide "a national framework for data management and "insight led decision making". Confirming whether the requested information is held would reveal nothing more about the police's capabilities than these public statements.

In the Bedfordshire case, the Commissioner said: "Turning to what denying that information is held would reveal, the Commissioner notes that Bedfordshire Police's concern here is that it would suggest a vulnerability in the area of digital investigatory intelligence, which criminals could seek to exploit. However, as above, the Commissioner does not accept that it can necessarily be inferred from a police force's denial that it holds information about its IoT capabilities, that it has no capabilities in that area." Similarly, denying information is held about Staffordshire Police's commercial relationship with Palantir Technologies would reveal nothing about the force's capabilities with regards data analysis and machine learning.

In the Bedfordshire case, the Commissioner said: "Any attempt to map the capabilities of individual police forces so as to identify "unprepared" forces would be hampered by the limited lifespan of any information which might be inferred from a denial, which would be likely to be out of date very quickly." This point clearly also applies to the fast-moving nature of data analysis in policing.

Finally, the refusal notice in this case states: "This detrimental effect [of confirming or denying] is increased if the request is made to several different law enforcement bodies." This argument is undermined by the fact that numerous police forces have already confirmed or denied a relationship with Palantir Technologies.

Our Response

Upon review of your request for information under the Freedom of Information provision referenced above and all corresponding communication, we are of the opinion that the response issued, alongside all clarification provided, fully answers the terms of your request.

We also confirm that the application of all exemptions outlined within this response are fully justified, and that the explanations and rationale for their application conveyed clearly and unequivocally.

Please be advised that all FOI requests and response letters are published on the Staffordshire Police website although personal details are not included.

If you are not content with the outcome of the review, you may apply directly to the Information Commissioner to investigate. The Information Commissioner can be contacted at:

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/>

Central Disclosure Unit Management Team
Central Disclosure Unit
Staffordshire Police