



Our Ref: 003688/20

Your Ref:

Address Correspondence to: Information Management

Date 18 November 2020

Freedom of Information Act 2000

I write further to your request for information received 04/11/2020.

I note you seek access to the following information:

- 1) Have you had any contact with an Israeli company named NSO group in the last five years?*
- 2) If so, what was the reason and nature of this?*
- 3) Have you purchased anything from NSO Group in the last five years?*
- 4) If so, what?*
- 5) Please provide copies of all correspondence between yourselves and NSO group employees and representatives from the last five years.*

Following receipt of your request, searches were conducted within Leicestershire Police to locate information relevant to your request.

The Leicestershire Police Service can neither confirm nor deny that it holds the information you requested as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

- Section 24(2) National Security;
- Section 31(3) Law enforcement;

This should not be taken as conclusive evidence that any information that would meet your request exists or does not exist.

Sections 24(2), and 31(3) are qualified and require us to carry out a harm and public interest balancing test before they can be relied upon.

Overall harm for the NCND

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 regarding business with the NSO Group, would show criminals the capacity, tactical abilities and capabilities of the force, allowing them to conduct their criminality and avoid detection. Confirming or denying any information is held relevant to this request, would lead to an increase of harm to investigations and compromise law enforcement. This would 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.

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 at the second highest level, 'severe', meaning that an attack on the UK is highly 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 business has been conducted with the NSO Group, would limit operational capabilities as criminals/terrorists would gain a greater understanding of the Leicestershire Police's 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. It would have the likelihood of identifying location-specific operations 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.

Factors favouring confirmation or denial for S24

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 by confirming or denying if business is conducted with the NSO Group would lead to a better informed public.

Factors against confirmation or denial for S24

By confirming or denying whether any other 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 infra-structure of the UK and increase the risk of harm to the public.

Factors favouring confirmation or denial for S31

Confirming or denying whether business is conducted with the NSO Group 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.

It is well known that the police use hi-tech specialist equipment and confirming or denying whether any other information is held would ensure transparency and accountability and enable the public to see what tactics are deployed by the Police Service to detect crime.

Factors against confirmation or denial for S31

Confirming or denying that any other information is held regarding business with the NSO Group would have the effect of compromising law enforcement tactics and would also hinder any future investigations. In addition, confirming or denying methods used to gather intelligence for an investigation would prejudice that investigation and any possible future proceedings.

It has been recorded that FOIA releases are monitored by criminals and terrorists and so to confirm or deny information is held concerning specialist covert tactics 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.

By confirming or denying that a business interest exists would hinder the prevention or detection of crime. Leicestershire Police 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.

Balance test

The security of the country is of paramount importance and the Police Service will not divulge whether any information is or is not held regarding business with the NSO Group, 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 Police Service 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 and NSO Group is not made out.

None of the above can be viewed as an inference that any other information does or does not exist.

Leicestershire Police provides you the right to ask for a re-examination of your request under its review procedure. Letters should be addressed to Information Manager, Corporate Services Department at the above address. If you decide to request such a review and having followed the Force's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

Yours sincerely

Freedom of Information Officer
Leicestershire Police

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