



Home Office

**Performance, Assurance
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Ms Rosie Brighthouse
Privacy International
62 Britton Street
London, EC1M 5UY

16 May 2018

Dear Sir/Madam,

Refs: ICO: FS50728047; HO: 41663

I write in reply to your complaint to the Information Commissioner's Office (ICO) regarding the Home Office response to your freedom of information request of 1 November 2016 (please refer to the Annex).

Having reviewed the case and following further consideration of our position, we wish to amend our original (neither confirm nor deny) position, and now wish to confirm that we do not hold any information considered within scope of the request.

More broadly, there may be circumstances under which public authorities have an operational requirement to identify communications equipment, for example when an unknown piece of equipment is in close proximity to a public authority. This is an essential capability which protects vulnerable individuals and allows authorities to investigate, disrupt and dismantle Serious Organised Crime including paedophiles and terrorists, helping to minimise further intrusion. Where there is such an operational requirement, a legal mechanism exists within the Investigatory Powers Act 2016 to support use of this capability.

The Investigatory Powers Act provides strong new safeguards and a world leading oversight regime, with the use of all covert investigatory powers overseen by the independent Investigatory Powers Commissioner. The Act regulates and makes provision about interference with equipment for the purpose of obtaining information, requiring any such activity to be subject to approval by a Judicial Commissioner.

Ownership and operation of any relevant devices by public authorities is an operational matter for them.

I wish to inform you that we have communicated our amended position to the ICO.

Yours sincerely

R Taylor
Information Rights Team

Annex

"As the Home Office is responsible for policing across the country and the development of relevant policy and legislation in this area I believe you hold records relevant to the regulation of the use of CCDC equipment by police in the United Kingdom.

Privacy International requests the following records:

Legislation, codes of practice, policy statements, guides, manuals, memoranda, presentations, training materials or other records governing the use of CCDC equipment in the United Kingdom, including restrictions on when, where, how, and against whom it may be used, limitations on retention and use of collected data, guidance on when a warrant or other legal process must be obtained, and rules governing when the existence and use of CCDC equipment may be revealed to the public, criminal defendants, or judges

Privacy International seeks records regardless of how CCDC equipment is identified. In this respect, Privacy International notes that CCDC equipment can be referred to using a range of other terms, including "IMSI Catchers", "IMSI Grabbers", "Cell site simulators" and "Stingrays".

Please include copies of material that you hold either in the form of paper or electronic records, including emails. If possible, please provide all requested records in electronic format."