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Privacy International  
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**Our ref:** MOPAC040621-D3726

**Date:** 29 July 2021

Dear ██████████

Thank for your letter dated 4 June regarding the use of international mobile subscriber identity-catchers (IMSI). I apologise for the delay in replying.

I am aware of the decision of the First Tier Tribunal (information Rights) in relation to Privacy International v Information Commissioner and others EA/2018/0164. This considered many of the points raised in your letter. In that case, the Tribunal clearly supported the view of the Information Commissioner and determined that neither confirm nor deny (NCND) responses to the questions put were justified on the basis of ss.24 and 31 of the Freedom of Information Act 2000 (FOIA). This was on the basis that the requested information (if held) could undermine national security interests and also that providing a response would prejudice policing.

The Tribunal accepted the police evidence that “lives would be put in danger by the confirmation or denial of holding the information requested because if criminals or terrorists knew about the capabilities and location of covert technology, they would be likely to adjust their behaviour accordingly.” It was therefore not in the public interest to respond other than with ‘NCND’. Furthermore, the Tribunal also concluded that s.23 FOIA was engaged as the information requested should be regarded as ‘relating to’ the s. 23 bodies.

From a policing perspective it is therefore paramount to ensure covert capabilities are kept that way. To do otherwise risks an irrecoverable compromise to police tactics which terrorists or other serious criminals could exploit and place Londoners at risk.

On a more general point on the use of technology and data, the UK has robust governance and regulatory framework in place to safeguard the rights of individuals. This was also addressed as part of the above case – please refer to paragraph 3 of the Information Commissioner’s Decision Notice. The regulatory framework includes Section 93 of the Police Act 1997, and now, Part III of the Investigatory Powers Act 2016 and associated Codes of Practice issued by the Home Office (and available to you via the Gov.uk website). The Investigatory Powers Commissioner’s Office independently oversees the use of investigatory powers, ensuring they are used in accordance with the law and in the public interest.

Nationally, police forces are supported by the College of Policing, which provides an independent professional view on legislation and guidance for police forces. Specifically in London, the London Policing Ethics Panel is an independent panel set up by the Mayor of London to provide ethical advice on policing issues that may impact on public confidence.

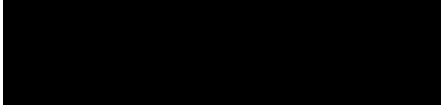
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I have regular oversight of the MPS through my regular meetings with the Commissioner and I am confident that the MPS has effective governance in place to ensure that its use of technology that is lawful, necessary and proportionate.

Thank you for raising your concerns with me.

Yours sincerely,



Sophie Linden  
**Deputy Mayor for Policing And Crime**