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18 May 2018

Our ref: RB/CCT/11015-1-0/82

Your refs: ICO: FS50728047; HO: 41663

Dear R Taylor,

**Re: Freedom of Information Act request – CCDC equipment**

I refer to your letter of 16 May 2018 relating to the complaint to the Information Commissioner's Office made by my client, Privacy International, regarding its freedom of information request of 1 November 2016. In your letter you amended your original (neither confirm nor deny) position in response to my client's request and confirmed that you do not hold any information within the scope of the request.

I write to seek clarification of certain aspects of your letter.

As you are aware, Privacy International had requested the following records relevant to the regulation of the use of CCDC equipment by police in the United Kingdom:

*"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."*

Despite your assertion that the Home Office does not hold any information considered within the scope of the request, the third paragraph of your letter states that where there is an *"operational requirement"* for public authorities to identify *"communications equipment"*, "*a legal mechanism exists within the Investigatory Powers Act 2016 to support use of this capability.*" The terms you have used are extremely vague and, without further explanation, I cannot understand how these comments relate to my client's request or what meaning they are intended to convey. Please provide an explanation as to what is meant by this paragraph.

Please also confirm whether it is the Home Office's position that there is no legislation, codes of practice, policy statements, guides, manuals, etc, including restrictions and safeguards on the use of CCDC equipment; that there are such safeguards, and they are contained in the Investigatory Powers Act 2016; or that there are other safeguards, but they

are held by other public authorities. Please clarify, in particular, on which sections of the Investigatory Powers Act 2016 the Home Office relies. Finally, please clarify whether the Investigatory Powers Act 2016 is the only record held by the Home Office which comes within the terms of my client's request.

I would find it surprising if the Home Office were to hold no other record falling within the scope of the request. Accordingly, I should be grateful if you could confirm in detail what searches were carried out by the Home Office in order to reach the conclusion that it does not hold any such records.

I look forward to hearing from you.

Yours sincerely,

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*Copied to:*

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