

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 August 2023

Public Authority: Commissioner of Police of the Metropolis
Address: New Scotland Yard
Broadway
London
SW1H 0BG

Decision (including any steps ordered)

1. The complainant has requested information from the Metropolitan Police Service (the "MPS") about the false social media personas register. The MPS disclosed some of the information but refused to disclose the remaining information under sections 31(1)(a) (Law enforcement) and 24(1) (National security) of FOIA.
2. The Commissioner's decision is that the MPS was entitled to rely on section 31(1)(a) of FOIA. He does not require further steps.

Background

3. The complainant has submitted three related complaints to the Commissioner, in which he requested the same information from other police forces.

4. The Commissioner has already undertaken investigations in respect of these requests which have been published on his website. ^{1,2,3}

Request and response

5. On 10 February 2023, the complainant made the following request for information under FOIA:

“Please accept the following request under the Freedom of Information Act. ACPO guidance on Online Research and Investigation states:

‘The creation of a false [social media] persona should be agreed by a Detective Inspector (Intelligence or Covert Policing) or equivalent. Each agency should maintain a register of all such profiles created and used in the force/agency. This register should be maintained centrally and periodically reviewed taking into account the necessity and proportionality of maintaining and using each registered persona. A log, recording the time, date, user and the policing purpose, should be maintained for each use of a false persona.’

I’m seeking:

- 1) The number of authorisations granted for the creation of false social media personas by MPS officers in each calendar year from 2018 to 2022 (inclusive).
- 2) A list of column headings contained in the Met Police false social media persona register and, if applicable, row headings.

¹ <https://ico.org.uk/media/action-weve-taken/decision-notices/2023/4025846/ic-231130-l9k4.pdf>

² <https://ico.org.uk/media/action-weve-taken/decision-notices/2023/4025972/ic-232842-d9y1.pdf>

³ <https://ico.org.uk/media/action-weve-taken/decision-notices/2023/4025709/ic-230750-s5y0.pdf>

- 3) A list of options for entering data under each specific column heading and/or row heading in the MPS social media persona register.
 - 4) The number of entries in the MPS social media persona register, broken down by platform (including but not necessarily limited to Facebook, YouTube, WhatsApp, Twitter, Instagram, TikTok, Snapchat, Telegram, Pinterest, Reddit, LinkedIn, Tinder, Bumble, and Hinge.)
 - 5) A list of column headings contained in the MPS log recording the use of false social media personas and, if applicable, row headings.
 - 6) A list of options for entering data under each specific column heading and/or row heading in the MPS log recording the use of false social media personas.
 - 7) The number of entries in the MPS log recording the use of false social media personas, broken down by platform (including but not necessarily limited to Facebook, YouTube, WhatsApp, Twitter, Instagram, TikTok, Snapchat, Telegram, Pinterest, Reddit, LinkedIn, Tinder, Bumble, and Hinge.)."
6. On 4 May 2023, the MPS responded. It advised that no information was held in respect of parts (3) and (6) of the request. It disclosed the information held for part (2) of the request. It refused to provide the information requested at parts (1), (4), (5) and (7), citing sections 31(1)(a) and (b) of FOIA.
 7. The complainant requested an internal review on 10 May 2023.
 8. The MPS provided an internal review on 9 June 2023 in which it revised its position, citing only 31(1)(a) and adding reliance on section 24(1) of FOIA.

Scope of the case

9. The complainant contacted the Commissioner on 13 June 2023 to complain about the way his request for information had been handled. He said:

"In seeking to rely on Sections 24 and 31 of the FOI Act, the MPS has said "it would not be in the public interest to reveal information about investigative tools and strategies used to counter terrorism / extremism" and that it "considers that to provide detailed

information related to a specific investigative tools would be detrimental to its law enforcement role”.

This is inconsistent with its approach to other types of data relating to investigative tools and strategies. For example, the MPS routinely publishes statistics relating to its use of stop-and-search, broken down by borough. Using the logic being employed by the MPS, one could argue that information could “be used by those with criminal intent, pieced together with other information, to assist them when planning acts of criminality, public disorder, terror etc.” It is clear, however, that the publication of stop-and-search data is in the public interest. I argue that the same is true of data relating to online policing and that the public interest lies in favour of disclosing the requested information”.

10. The Commissioner has therefore considered the application of exemptions to parts (1), (4), (5) and (7) of the request.

Reasons for decision

11. The Commissioner has already considered the same information request in respect of three other police forces, as indicated in the “Background” paragraph above. It is noted that, in the other three cases, the forces relied on both sections 31(1)(a) and (b), whereas the MPS has only relied on section 31(1)(a). Nevertheless, the arguments provided, which the Commissioner recognises often ‘overlap’ in respect of these two subsections, are similar.
12. The Commissioner therefore considers that the same rationale can be applied to this request. Rather than simply repeat that rationale, the Commissioner concludes that, as in those cases, the MPS was entitled to rely on section 31(1)(a) of FOIA to withhold the requested information. He has therefore found it unnecessary to consider the citing of section 24 of FOIA.

Other matters

13. Although it does not form part of this notice the Commissioner wishes to highlight the following matter.

Engagement

14. The Commissioner raised his initial queries with the MPS on 5 July 2023. Although acknowledged on the same day, the MPS failed to respond. The Commissioner would ordinarily have issued an Information Notice formally requiring a response. However, in light of the recent

conclusions reached in the similar requests referred to, he considered this was unnecessary.

15. Nevertheless, this evidence of poor engagement will be logged for monitoring purposes.

Right of appeal

16. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

17. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
18. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Carolyn Howes
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