

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 13 December 2022

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

### Decision (including any steps ordered)

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1. The complainant has requested, from the Metropolitan Police Service (the "MPS"), information that would, if held, be on its Counter-Terrorism Internet Referral Unit ("CTIRU") database. The MPS would neither confirm nor deny ("NCND") holding the information citing sections 23(5) (Information supplied by, or concerning, certain security bodies), 24(2) (National security) and 31(3) (Law enforcement) of FOIA.
2. The Commissioner's decision is that the MPS was entitled to rely on sections 23(5) and 31(3) to NCND holding any information. No steps are required.

### Request and response

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3. On 19 March 2022, following previous correspondence on the subject matter, the complainant wrote to the MPS and requested the following information:

"I would like to know the data of birth of the youngest person documented on the CTIRU database.

This FOI request is a follow up request to the FOI request that was given the reference number: [redacted]".

4. On 7 April 2022, the MPS responded. It would NCND holding the requested information, citing the exemptions at sections 23(5), 24(2) and 31(3) of FOIA.

5. The complainant requested an internal review on 20 April 2022, saying: "I strongly disagree with the idea that the information i [sic] have asked for would create a national security risk".
6. The MPS provided an internal review on 19 May 2022 in which it maintained its position.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 19 May 2022 to complain about the way his request for information had been handled. The Commissioner required further information from him, which was provided on 31 May 2022.

8. The complainant's grounds of complaint were as follows:

"This internal review refers to a wide range of other requests made by me and doesn't seem to seriously address the concerns I voiced about this particular foi response in my request for an internal review".

The concerns he raised are cited at paragraph (5) above.

9. The Commissioner has previously viewed the training version of the CTIRU database so is familiar with its content and structure.
10. The Commissioner will consider the applications of exemptions to the request below.

### **Reasons for decision**

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11. The MPS has explained that its application of an NCND stance in this case reflects a previous response to the complainant to a request he made on 18 June 2020 for:

"I would like to request a complete list of all of the fields in the counter terror internet referral unit database regarding requests to remove online content that has been deemed in breach of UK terrorism laws.

Examples of fields might be: url, date of request, reason for request ... etc... (just to give you an idea of the kind of info I am after).

For each field indicate if it is free text or multiple choice.

If it is multiple choice please list all of the different drop-down menu options”.

12. In its response, the MPS disclosed a list of fields from the CTIRU database but refused to confirm or deny whether any additional information was recorded citing sections 23(5), 24(2) (National security) and 31(3) of FOIA; that list did not include a 'date of birth' or a 'nominal' field. The MPS has advised the Commissioner that its response in this case reflected that previous position and that it did not wish to confirm or deny whether any further information is held. (The Commissioner did not issue a decision notice in respect of that request.)
13. In a different investigation about a data request for records on the CTIRU database<sup>1</sup>, the Commissioner found that the MPS was entitled to rely on section 31(1)(a) to withhold the information requested and also to NCND holding information under section 23(5) of FOIA.
14. For the same rationale applied in that notice (and in the explanation which has previously been provided to the complainant in respect of his earlier request referred to above), the Commissioner is satisfied that the MPS was entitled to rely on the exemptions cited here and he has not therefore reiterated the arguments which have been previously made.

## **Other matters**

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15. Although it does not form part of this notice the Commissioner wishes to highlight the following.
16. The Commissioner also considers it of note that, were the requested age recorded on the database, then its disclosure is likely to amount to personal information as the data subject may be identifiable from their date of birth applying his 'motivated intruder' rationale<sup>2</sup>. Furthermore, if a person were identifiable, then the information may also be criminal offence data.
17. In the Commissioner's view, it is highly unlikely that the date of birth, if held, would be disclosable under FOIA.

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<sup>1</sup> <https://ico.org.uk/media/action-weve-taken/decision-notices/2022/4022988/ic-159768-p7t2.pdf>

<sup>2</sup> <https://ico.org.uk/media/about-the-ico/documents/4018606/chapter-2-anonymisation-draft.pdf>

**Right of appeal**

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18. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

19. 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.

20. 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  
Senior Case Officer  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**