

Our Ref: FOI2016-151

Date: December 2016

Subject: Intelligence gathering

This request asked for information about SFO guidance, policy and training documents relating to online, open source and social media intelligence.

The following information was released:

SFO policy on online research and investigation

Online communication has for many become the preferred method of keeping in touch and the use of social networking sites such as Facebook and LinkedIn, chat rooms, information networks (e.g. Twitter) and web based electronic mail has in recent years increased exponentially.

Online research and investigation are powerful tools to help detect and prevent crime but they also present new challenges for law enforcement. Their use can interfere with a person's right to respect for their private and family life, home and correspondence, which is enshrined in Article 8 of the European Convention on Human Rights and in the Human Rights Act 1998.

Public authorities must therefore ensure that any interference with this right is necessary for a specific and legitimate objective (such as detecting or preventing crime), proportionate to the objective and is in accordance with the law. It is also essential to consider the effect of any collateral intrusion on the private and family life of others not directly connected with the subject of the research or investigation.

The use of covert techniques to observe, monitor and obtain private information can amount to an interference with Article 8 and authorisation regimes, such as the Regulation of Investigatory Powers Act (RIPA), must be considered - although RIPA is not the only legislation which can render such an interference lawful.

Much of the information gathered by online research and investigation will meet the definition of personal data and the handling and processing of this information must adhere to the guiding principles of the Data Protection Act 1998.

SFO policy and guidance for online research and investigation is currently being drafted and will be published shortly. It adopts and reflects ACPO^[1] Guidance on Online Research and Investigation which promotes good and consistent practices across law enforcement agencies. This guidance must also be considered together with the Chief Surveillance Commissioner's Procedures and Guidance document (2011) as amended.

[REDACTED TEXT]

Although many colleagues will have considerable experience of using the internet for their own personal online research, managers must ensure staff carrying out online research and investigation for an SFO purpose are both competent and appropriately trained. The new SFO guidance will set out the mandatory training criteria and arrangements are in hand to deliver appropriate ACPO approved courses in due course. In the interim, colleagues wishing to conduct on line research are requested to liaise with the Intelligence Unit in the first instance.

^[1] ACPO was replaced by the National Police Chiefs Council

SFO intranet announcement dated February 2016

Online research and investigation

[REDACTED TEXT]

Online research and investigation are powerful tools to help detect and prevent crime but they also present new challenges for law enforcement. Their use can interfere with a person's right to respect for their private and family life, home and correspondence, which is enshrined in Article 8 of the European Convention on Human Rights and in the Human Rights Act 1998.

Public authorities must therefore ensure that any interference with this right is necessary for a specific and legitimate objective (such as detecting or preventing crime), proportionate to the objective and is in accordance with the law. It is also essential to consider the effect of any collateral intrusion on the private and family life of others not directly connected with the subject of the research or investigation.

The use of online techniques to repeatedly observe, monitor and obtain private information can amount to an interference with Article 8. In such cases authorisation regimes, such as the Regulation of Investigatory Powers Act (RIPA), must be considered (although RIPA is not the only legislation which can render such an interference lawful). For further advice and guidance please speak with the Intelligence Unit.
