

Chief Constable
Chief Constable Robert Carden
Police Headquarters
Carleton Hall Penrith,
Cumbria
CA10 2AU



9th December 2024

Dear

FREEDOM OF INFORMATION REQUEST – FOI 1010/24 Palantir Technologies

I refer to your request for information received by Cumbria Constabulary on the 11th of November 2024. I note you seek access to the following information:

I'm writing to you under the Freedom of Information Act (2000) to ask if you currently, or at any point in the last 5 years, have or hold a contract with the company Palantir Technologies.

Your request for information has now been considered and a response set out below.

I can neither confirm nor deny that information is held by Cumbria Constabulary.

Section 17(1) of the Freedom of Information Act requires a public authority, when refusing to confirm or deny information is held must provide the applicant with a notice that: -

- a) States that fact,
- b) Specifies the exemption, and
- c) States, if it would not otherwise be apparent, why the exemption applies

The exemption which is applicable in this case is: -

- Section 24(2) National Security
- Section 31(3) Law Enforcement

Section 24(2) National Security and Section 31(3) Law Enforcement are both qualified, prejudice-based exemptions, therefore I must state the harm in disclosing information as well as completing a public interest test, which is set out below.

Evidence of Harm S24 & S31

Any disclosure under FOI is a release to the public at large. Whilst not questioning the motives of the applicant, confirming or denying that any other information relating to the covert software and its uses would show criminals what the capacity, tactical abilities and capabilities of the force are, allowing them to target specific areas of the UK to conduct



EMPLOYER RECOGNITION SCHEME

BRONZE AWARD

Proudly supporting those who serve.



their criminal/terrorist activities. Confirming or denying the specific circumstances in which the Police Service may or may not deploy the use of covert software would lead to an increase of harm to covert investigations and compromise law enforcement. This would be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

Factors Favouring Disclosure: Confirming or denying whether the requested information is held would enable the public to have a better understanding of the type of policing tools and tactics employed by the Constabulary in carrying out their law enforcement role. This would give more confidence to the public that we are using (or, as the case may be, not using) policing tools and tactics to help us detect and prevent crime appropriately.

Factors against disclosure: To confirm or deny whether any other information relating to the use of a particular investigative tool is held would harm the integrity of sensitive policing tactics used to prevent and detect crime and safeguard national security.

Any disclosure under FOI is a release to the public at large. Whilst not questioning the motives of the applicant, confirming or denying if a particular policing tool of this type (in this case Palantir Technologies) is used by the Cumbria Constabulary as part of an investigative process is different from confirming if, in principle, commercial tools generally are used to assist with searches against information that may be found online.

It is well established that police forces use publicly available data to counteract criminal behaviour. It has been previously documented in the media that many terrorist incidents have been thwarted due to intelligence gained by these means. However, given the sensitive areas in which tools of this type may be used and the Constabulary's role in counter-terror investigations, to disclose if any particular tools are used would allow criminals and other adversaries to focus on evaluating the particular capabilities of a particular tool. With this knowledge it would allow criminals and other adversaries to take steps to counteract a specific tool – be it adjusting how they interact and present themselves to take advantage of any weaknesses or gaps in capability they identify. At a simple level, if a policing tool doesn't search 'X' social media site or was unable to identify 'Y' format of images and criminals can establish this, they will exploit this position. The Constabulary's more sophisticated adversaries may be able to go further and take more proactive measures to undermine the tool and/or its provider, and a specific confirmation allows efforts to be focused accordingly.

This detrimental effect is increased if the request is made to several different law enforcement bodies. In addition to the local criminal fraternity now being better informed, those intent on organised crime throughout the UK will be able to 'map' where the use of certain tools are or are not deployed. This can be useful information to those committing crimes. It would have the likelihood of identifying location-specific operations which would ultimately compromise police tactics, operations and future prosecutions as criminals could counteract the measures used against them.

Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on both National Security and Law Enforcement.

Balancing test



EMPLOYER RECOGNITION SCHEME

BRONZE AWARD

Proudly supporting those who serve.



Accordingly, in a position taken in common with other law enforcement agencies, confirming or denying if Cumbria Constabulary uses Palantir Technologies would lead to an increase of harm to covert investigations and compromise law enforcement. This outweighs the benefits to disclosure, not least as disclosure would be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public. Therefore, it is our opinion that for these issues the balance test favours neither confirming nor denying that information is held.

If it exists, the disclosure of this information to the public would undermine the integrity of police investigations and operations and in maintaining confidence in Cumbria Constabulary.

The effective delivery of operational law enforcement is of paramount importance to Cumbria Constabulary in their duty to ensure that the prevention and detection of crime is carried out and the effective apprehension or prosecution of offenders is maintained.

Therefore, it is our opinion that for these issues the balance test favours neither confirming nor denying that information is held.

Complaint Rights

Your attention is drawn to the attached sheet, which details your right of complaint.

I would like to take this opportunity to thank you for your interest in Cumbria Constabulary.



EMPLOYER RECOGNITION SCHEME

BRONZE AWARD

Proudly supporting those who serve.

