

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



9th April 2025

Dear

FREEDOM OF INFORMATION REQUEST – FOI 292/25 – Celebrite Software

I refer to your request for information which was received by Cumbria Constabulary on 9th March 2025. I note you seek access to the following information:

Please confirm if your police force currently uses Cellebrite software. If so, please answer the following and provide copies of all:

1. *Data Protection Impact Assessments directly related to Cellebrite software*
2. *Reports created in response to artificial intelligence services provided by Cellebrite*
3. *Guidance on data retention and information sharing as a result of information extracted by Cellebrite*
4. *Copies of all training and guidance provided to officers using Cellebrite*
5. *Please also provide figures on the following:*
 - a. *Since 01.01.23 until 01.03.25, how many times has Cellebrite been deployed by officers of your force, both:*
 - i. *Consensually*
 - ii. *Non-Consensually*

Your request for information has now been considered however I can Neither Confirm Nor Deny that Cumbria Constabulary hold information relating to your request.

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

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

The exemptions which are applicable in this case are:
s24(2) National Security and s31(3) Law Enforcement.

HARM

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 Cellebrite products) is used by Cumbria Constabulary as part of an investigative



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process could reveal operational tactics linked to policing, compromise police investigations and/or adversely affect the ability of Cumbria Constabulary and others to safeguard national security.

It is well established that police forces utilise Digital Forensic techniques in order to counteract criminal behaviour, detect crime, and assist in the apprehension and prosecution of offenders. Modern day policing is intelligence led and law enforcement depends upon the development of intelligence and the gathering and security of evidence in order to disrupt criminal behaviour and bring offenders to justice. As criminals adapt and exploit new technology, the police need to respond by overcoming hi-tech barriers in order to meet their responsibilities. In this case the information relates to a service provider and by extension their products for the extraction of data from devices.

By revealing specific tactical information such as requested within this request, it would undermine the process of preventing or detecting crime and the apprehension of prosecution of offenders. When considered on a Force by Force basis, a malign individual could identify those most critical to the Law-and-Order sector and specifically target those proving the most assistance. This would have a huge impact on the effective delivery of operational law enforcement as it would leave companies open to further cyberattacks which could have devastating consequences for law enforcement.

Likewise, given the sensitive areas in which tools of this type may be used, such as 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 its use. 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. For example, 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. Cumbria 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.

PUBLIC INTEREST TEST

Factors favouring confirming or denying whether any information is held in respect of both exemptions claimed

Confirming or denying whether information is held in response to the request, would provide the public with information about technologies and Cumbria Constabulary's capabilities. This would reinforce the wider commitment to openness and transparency with the general public and facilitate public debate. Furthermore, owing to the inherent link between transparency and public confidence, confirming or denying whether information is held would be likely to improve the general public's confidence in Cumbria Constabulary. Over time, an increase in public confidence would be likely to improve public engagement with the police. This would, in turn, lead to an improvement in our ability to both prevent and detect crime, and apprehend and prosecute offenders.



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Factors against confirming or denying whether any information is held for Section 24(2) - National Security

Security measures are put in place to protect the community that we serve. To confirm whether any information relevant to this request is/is not held would be useful intelligence to terrorists and individuals intent on carrying out criminal activity. Irrespective of what information is or is not held, the public entrust the Police Service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with what is placed into the public domain.

The cumulative effect of those with ill-intent gathering information about force capabilities, would have greater impact when linked to other information gathered from various sources. The more information that is disclosed over time will provide a detailed account of the tactical infrastructure, not only at force level but across the country as a whole. Any incident that results from confirming that any information is held would by default affect National Security.

Factors against confirming or denying whether any information is held for Section 31(3) - Law Enforcement

To confirm or deny information is held would compromise the forces' ability to protect the public. Disclosing Cumbria Constabulary's capabilities would provide persons intent on disrupting their work, with information that would assist them to do so. In this case, for the reasons outlined in the evidenced harm, the effectiveness of current and future strategies when carrying out investigations and gathering evidence may be compromised. The safety of the public is of paramount importance to policing purposes, and any increase in crime would place the public at risk of harm. When the current or future law enforcement role of the force may be compromised by the release of information, the effectiveness of the force will be reduced.

The personal safety of individuals is of paramount importance to the Police Service and must be considered in response of every release. A disclosure under Freedom of Information is a release to the world and, in this case, disclosing tactical information relating to the extraction of data from computers and other devices, would undermine the evidence gathering process of any investigative inquiry relating to offences, some of which may be serious cases such as murder or rape.

Balance Test

The points above highlight the merits of confirming, or denying, whether information relevant to this request does or does not exist. Having considered the reasons why Cumbria Constabulary should opt to neither confirm nor deny that information is held, although openness and transparency is at the forefront when considering the public interest, in this case confirmation or denial relating to Digital tools used by the police for investigative purposes would not be in the public interest.

Whilst there is a public interest in appropriately and effectively engaging with the threat from criminals, there is a very strong public interest in safeguarding National Security. As much as there is a public interest in knowing that policing activity is appropriate and balanced in matters of National Security, this will only be overridden in exceptional circumstances. The public entrust the Police Service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with any information that is released. Confirming or denying whether information is or isn't held would reveal specific policing activity in the digital sphere of investigations and would assist those intent on causing harm. Any incident that results from confirmation or denial could, as a result, affect National Security.

I have found that confirming or denying whether information is held in response to questions of this nature, would make public, areas of police interest. This would directly



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harm the ability of Cumbria Constabulary to investigate crime. This could also reveal police capabilities, compromise police investigations and/or otherwise, adversely affect the ability of Cumbria Constabulary to safeguard national security. I have attached considerable weight to these interests as the primary role of the Police Service is to both prevent and detect crime and apprehend those responsible for committing criminal offences. Therefore, at this moment in time, it is our opinion that for these issues the balance test for confirming, nor denying, that information is held is made out.

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.



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