



**POLICE & CRIME
COMMISSIONER**
for Leicester,
Leicestershire & Rutland
Your Communities - Your Commissioner

Our ref: FOI 0019/24 – OPCC 625-24

Date: 2 January 2025

Name:
Email:

Dear,

Freedom of Information Act 2000

I write further to your freedom of information request received on 3 December 2024. I note you seek access to the following information:

NECTAR - EMSOU:

<https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.contractsfinder.service.gov.uk%2Fnotice%2Fce565f22-d758-4294-bf2d-62e3129063a2&data=05%7C02%7Cnimisha.padhiar%40leics.pcc.police.uk%7Cf3f1bb3fe30243fbf07a08dd1f4a4790%7C6b0ff425e5e24239bd8b91ba02b7940a%7C0%7C0%7C638701126057794771%7CUnknwn%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiJlZjAuMDAwMCIslAIiOiJXaW4zMilslkFOljoiTWFpbCIsIlldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=sXcmAzWrfDTkVjppFd3x1%2Bzn5rclz4RdozswdOHZU%3D&reserved=0>

The details you require are:

1. What are the contractual performance KPI's for this contract?
2. Suppliers who applied for inclusion on each framework/contract and were successful & not successful at the PQQ & ITT stages • Actual spend on this contract/framework (and any sub lots), from the start of the contract to the current date • Start date & duration of framework/contract?
3. Could you please provide a copy of the service/product specification given to all bidders for when this contract was last advertised?
4. Is there an extension clause in the framework(s)/contract(s) and, if so, the duration of the extension?
5. Has a decision been made yet on whether the framework(s)/contract(s) are being either extended or renewed?
6. Who is the senior officer (outside of procurement) responsible for this contract?

Your request for information has now been considered and the response can be found below:



We will confirm that information is held regarding the contract with Palantir.
We will confirm that this was a direct award.

In accordance with Section 17(1) of the Freedom of Information Act, this letter represents a refusal notice for this particular request.

1. What are the contractual performance KPI's for this contract?

Section 24(2) – National Security

Section 24(2) is a qualified exemption and as such there is a requirement to articulate the harm and conduct a test of the public interest in confirmation or denial.

• Section 31(3) - Law Enforcement.

Section 31(3) is a qualified exemption and as such there is a requirement to articulate the harm and conduct a test of the public interest in confirmation or denial Section 31 - Law Enforcement and Section 24 - National Security

Sections 24 and 31 are qualified prejudice-based exemptions and therefore require evidence of harm (prejudice) and the public interest test to be considered.

No inference can be taken from this refusal that information does or does not exist.

2. Suppliers who applied for inclusion on each framework/contract and were successful & not successful at the PQQ & ITT stages • Actual spend on this contract/framework (and any sub lots), from the start of the contract to the current date • Start date & duration of framework/contract?

Section 21 information was uploaded onto contracts finder

[https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.contractsfinder.service.gov.uk%2Fnotice%2Fce565f22-d758-4294-bf2d-62e3129063a2%3Forigin%3DSearchResults%26p%3D1&data=05%7C02%7Cnimisha.padhia%40eics.pcc.police.uk%7C8da0934d43af449d6c8f08dd203f3a9c%7C6b0ff425e5e24239bd8b91ba02b7940a%7C0%7C0%7C638702178111625806%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIlwLjAuMDAwMCIsIlAiOiJXaW4zMtIklkFOIjoiTWVpbGlldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=jG1wLgi65KMRNkeuZAREqeM8IEkEFG4d%2B2hSn7vKMJo%3D&reserved=0\).](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.contractsfinder.service.gov.uk%2Fnotice%2Fce565f22-d758-4294-bf2d-62e3129063a2%3Forigin%3DSearchResults%26p%3D1&data=05%7C02%7Cnimisha.padhia%40eics.pcc.police.uk%7C8da0934d43af449d6c8f08dd203f3a9c%7C6b0ff425e5e24239bd8b91ba02b7940a%7C0%7C0%7C638702178111625806%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIlwLjAuMDAwMCIsIlAiOiJXaW4zMtIklkFOIjoiTWVpbGlldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=jG1wLgi65KMRNkeuZAREqeM8IEkEFG4d%2B2hSn7vKMJo%3D&reserved=0).)

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Section 40: Personal information

(2) Any information to which a request for information relates is also exempt information if—

- (a) it constitutes personal data which do not fall within subsection (1), and
- (b) either the first or the second condition below is satisfied.

(3) The first condition is—

- (a) in a case where the information falls within any of paragraphs (a) to (d) of the definition

of “data” in section 1(1) of the [1998 c. 29.] Data Protection Act 1998, that the disclosure of

the information to a member of the public otherwise than under this Act would contravene—

- (i) any of the data protection principles, or
 - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress),
- and

- (b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the [1998 c. 29.] Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.

(4) The second condition is that by virtue of any provision of Part IV of the [1998 c. 29.] Data Protection Act 1998 the information is exempt from section 7(1)(c) of that Act (data subject’s right of access to personal data).

Harm

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 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.

The threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. Since 2006, the UK Government has published the threat level, based upon current intelligence and that threat is currently categorised as SUBSTANTIAL.

The UK continues to face a sustained threat from violent extremists and terrorists. It is well established that police forces use covert tactics and surveillance to gain intelligence in order 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.

Confirming or denying whether any information is or isn't held relating to the covert software offered by specific companies would limit operational capabilities as criminals/terrorists would gain a greater understanding of the police's methods and techniques, enabling offenders to take steps to counter them. It may also suggest the limitations of police capabilities in this area, which may further encourage criminal/terrorist activity by exposing potential vulnerabilities. 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 tactics 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.

Factors in favour of 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 Leicestershire Police 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 Leicestershire Police 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 in order 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 Force'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 Force'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

Accordingly, in a position taken in common with other law enforcement agencies, confirming or denying if Leicestershire Police 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.

The disclosure of this information to the public by Leicestershire OPCC/Leicestershire Police would undermine the integrity of police investigations and operations and in maintaining confidence in the Force.



The effective delivery of operational law enforcement is of paramount importance to Leicestershire Police 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.

The Office of the Police and Crime Commissioner provides you the right to ask for a re-examination of your request under its review procedure. Letters should be addressed to Data Protection Officer at the above address or emailed to OPCC@leics.police.uk. If you decide to request such a review and having followed the Police and Crime Commissioner's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

Yours sincerely,

Office of the Police and Crime Commissioner

In complying with our statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law.

Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to The Office of the PCC, Leicestershire Police Headquarters, St. Johns, Enderby, Leicester LE19 2BX.