| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-1182  Responded to: 27 May 2024 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

**1. What tools and techniques do you use to investigate activities on the deep web?**

**2. How do you ensure the integrity of the data collected from the deep web?**

**5. Can you provide examples of cases where deep web investigations were crucial?**

**6. What precautions do you take to protect your identity and safety during deep web investigations?**

**7. How do you collaborate with other law enforcement agencies internationally for deep web investigations?**

I am refusing to confirm or deny whether the information sought exists or is held by Police Scotland in terms of section 18 of the Act.

Section 18 applies where the following two conditions are met:

- It would be contrary to the public interest to reveal whether the information is held

- If the information was held, it would be exempt from disclosure in terms of one or more of the exemptions set out in sections 28 to 35, 38, 39(1) or 41 of the Act.

If the above data was held, the following exemptions would be considered relevant:

**Section 31(1) - National Security and Defence**

Information is exempt information if it is required for purpose of safeguarding national security.

Disclosure would undermine any ongoing or future operations to protect the security or infrastructure of the United Kingdom and increase the risk of harm to the public.

The public entrust the Police Service to make appropriate decisions regarding their safety and protection and the only way of reducing risk is to be cautious with what is placed into the public domain.

**35(1)(a)&(b) – Law Enforcement**

The information requested is exempt, as its disclosure would or would be likely to prejudice substantially the prevention or detection of crime and apprehension or prosecution of offenders.

If the details of Police Scotland’s specialist departments were disclosed, experience has shown that it would allow those intent on committing crime or causing disorder to gauge the likelihood of detection or to take measures to negate the likelihood of detection. It would allow criminals to plan how best to engage or occupy existing police resources in an effort to maximise their chances of committing serious crime, therefore harming the efficient and effective conduct of the service.

Such information would prove extremely useful information for persons involved in criminality as they would be able to plan and conduct their activities to avoid detection. It would confirm the resources available in a specialised area of policing, which would allow those intent on wrong doing to judge the police response to a variety of incidents. In turn this would prejudice substantially the ability for our officers to prevent and detect crime and apprehend or prosecute offenders.

Disclosure would have an adverse impact on the ability of the Police to carry out its law enforcement role effectively, and thereby prejudice substantially the prevention and detection of crime.

**Section 39(1) – Health, safety and the environment**

Disclosure of the information requested would prove extremely useful for criminals and those intent on wrongdoing. To share tools and techniques used by specialist departments within Police Scotland would assist them in circumventing the efficient and effective provision of law enforcement by the police service, which in turn would have an adverse impact on the safety of the officers involved and the general public.

This would increase the risk to the personal safety of individuals and also the safety of the police officers responding to incidents.

**Public Interest Test**

As you will be aware, the three exemptions detailed above are non-absolute and require the application of the public interest test. Public awareness would favour a disclosure as it would contribute to the public debate surrounding the use and deployment of this specialist unit.

That said, I would contend that the efficient/effective conduct of the service and public safety favours retention of the information as it cannot be in the public interest to release information that would prejudice law enforcement or which is likely to have an adverse impact upon public safety.

**3. What challenges do you face when conducting investigations in the deep web?**

**10. Are there specific training programs or certifications you recommend for aspiring forensics professionals interested in deep web investigations?**

As you may be aware, the Act provides a right of access to recorded information only and questions seeking to elicit creation of comment or opinion in relation to a particular matter are not valid in terms of section 8 of the act.

**4. How do you differentiate between legal and illegal activities when investigating the deep web?**

As trained law enforcers, our specialist teams can determine the legality of what is seen on the deep web.

**8. What legal frameworks govern deep web investigations, and how do you navigate them?**

Within Scots Law, we use the Computer Misuse Act 1990 legislation for Cyber Incidents.

**9. How do you stay updated with the rapidly evolving landscape of the deep web?**

Police Scotland frequently run CPD (Continuous Professional Development) days which cover all aspects of Cybercrime.

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.