**Request to Durham Constabulary under the Freedom of Information Act**

**Received on 23/03/2018 Our Ref: DC/FOI 295/18**

**Date: 25/04/2018**

Your request:

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| 1. Does your force use Experian’s Mosaic data?  a. If yes, what is the data used for?  2. Does your force use Experian’s Mosaic data as a predictor variable in the Harm Assessment Risk Tool (HART)?  a. If yes, what is the purpose of using the Mosaic data?  3. Has your force used Experian’s Mosaic data as a predictor variable in the Harm Assessment Risk Tool (HART) at any point in the past?  a. If yes, what was the purpose of using the Mosaic data?  4. Which postcode variable will be or has been recently removed from HART?  a. If it has been removed, when was this?  b. If it has not yet been removed, when will this take place?  5. Please detail any contracts between your force and Experian?  a. How much has been spent by your force on Experian Mosaic data since 2010? |

I can confirm the information request is held by Durham Constabulary.

In relation to Question 1: Durham Constabulary no longer uses Experian Mosaic data.

In relation to Question 1a – not applicable.

In relation to Question 5: Durham Constabulary has a contract with Experian for Personal Data services. The contract runs from 01/04/2018 to 31/03/2019.

In relation to Question 5a: The funds spent on Experian Mosaic amounted to £77,738.

I have carefully considered all the other parts of the request and I am not obliged by statute to release any further information by virtue of the following exemptions under the Freedom of Information Act 2000:

Section 21 – Information is reasonably accessible by other means.

Section 22 – Information intended for future publication

Section 22A (1) (a) (i-iii) Information obtained in the course of, or derived from, a programme of research is exempt information if –

(a) the programme is continuing with a view to the publication, by a public authority or any other person, of a report of the research (whether or not including a statement of that information), and (b) disclosure of the information under this Act before the data of publication would, or would be likely to, prejudice –

1. the programme;

(ii) the interests of any individual participating in the programme;

(iii) the interests of the authority which holds the information

Section 31 – Law Enforcement.

Section 21 is an absolute and class based exemption and does not require the public interest to be considered. However, in this instance the initial Harm Assessment Risk Tool has been subject to independent evaluation and academic scrutiny information on which is reasonably accessible by open source searches.

Section 22 and 22A are qualified class based exemptions and require consideration of the public interest to be made.

Section 31 is a qualified and prejudice based exemption and the harm in releasing information has to be explained and the public interest to be considered.

Public Interest Considerations in relation to Section 22 and 22A

Factors Favouring Disclosure section 22 and 22A

The HART model is part of an ongoing experimental research programme in relation to the diversionary scheme, Checkpoint. Disclosure of information would add to the public debate on the use of machine learning predictive tools to assist decision making functions, in this case the decisions by custody officers. Further disclosure would demonstrate Durham Constabulary’s transparency and accountability in relation to innovations around decision making and diversionary schemes. Durham Constabulary acknowledges there have been many calls for new regulation of algorithms, big data, artificial intelligences, machine learning, in order to increase transparency and ensure accountability.

Factors Favouring Non-Disclosure section 22 and 22A

The HART model and the Checkpoint programme are joint ongoing experimental research projects in collaboration with the University of Cambridge. By the nature of such research there will be future developments as the project evolves. It is anticipated that there will be future publications as academic papers and Force information releases via its website on both aspects of the work.

The outcomes of the research programme are not yet known. As the HART model is designed to forecast reoffending over 24 months the accuracy or otherwise of its predictions cannot be assessed until at least the lapse of that period of time. Durham Constabulary acknowledges there is evaluation of the initial model of HART and the historic data has been refreshed. Further it is acknowledged that issues around the use of alpha-numeric predictor variables in HART have been identified and discussed in academic papers; which are available via open source searches. However, releasing information concerning the model prematurely and in a piecemeal fashion, would lead to misleading information. Such misrepresentation would likely undermine individual confidence in the overall project and in the diversion programme, Checkpoint, and have a similar effect on public confidence. The credibility of the research could also be damaged and detract from the outcomes.

Given that the aim of the Checkpoint programme is to reduce offending and de-escalate offending behaviours there is a strong public interest in properly evaluating and reporting on the research findings. At that time there will be opportunity to fully evaluate the initial and any successive models of HART. Reducing offending is a key objective of local policing and national law enforcement. The combined research around HART and Checkpoint are in the interests of Durham Constabulary as it may deliver more efficient, effective and less costly alternatives to court prosecutions. In improving the life chances of offenders and reducing reoffending there would be fewer victims and less harm caused to communities. The overall reduction in recidivism will consequently lead to a general reduction in demand on the criminal justice system. In addition the programme’s aim is to support delivery of core law enforcement by reducing victimisation and addressing the complex needs of offenders.

The custody environment is a heavily regulated environment and subject to statutory safeguards and requirements; these statutory and regulatory provisions equip custody officers with a framework for decision making. Decisions made by custody officers can be challenged through the criminal justice system and also in the custody environment. The availability of challenge to custody officers’ decision making demonstrates that HART is transparent at the point of being taken into account by a custody officer. The human involvement in the decision making process in custody is paramount and takes primacy.

Harm under section 31

The release of any further information in relation to Durham Constabulary’s use of Experian products would reveal policing tactics and capabilities. By indicating the use of specific services would reveal the capabilities of Durham Constabulary in carrying out its policing functions. The information would be useful to those intent on causing disruption or engaging in criminal activity allowing them to identify perceived vulnerabilities in policing capabilities or tactics.

Factors Favouring Disclosure under section 31

There is a legitimate public interest in knowing Durham Constabulary fulfil their policing functions effectively and efficiently: protecting life and property, preserving order, preventing and detecting crime, apprehending offenders and bring them to justice. The public has right to know Durham Constabulary carries out full and rigorous investigations and where necessary utilises the services of external organisations or companies to assist.

Factor Favouring Non-Disclosure under section 31

By revealing any further information in regard to use of Experian services would impede the ability of Durham Constabulary to detect crime and the proper apprehension of offenders in order to bring them to justice through due process. Further such information would be useful to those intent on causing disruption or engaging in criminal activity allowing them to identify perceived vulnerabilities in policing capabilities and knowledge of policing tactics. The future law enforcement capabilities of Durham Constabulary would be affected as public confidence in the ability of the Force to gather and analyse evidence would be undermined. In turn this would impede Durham Constabulary’s capability to fulfil its policing functions.

Balancing test in relation to Sections 22, 22A and 31

I have carefully considered your request. The public interest test is centred on whether information should be released to the world and not just you as the requester. The key test is to establish whether in all the circumstances of the request the public interest in disclosing the information is not outweighed by that in maintaining the exemptions.

I have considered the impact of releasing further information would have in relation to the ongoing experimental research on the HART model in particular, and the Checkpoint Programme.

Whilst there is strong public interest in knowing about the development of the HART model and the impact of specific predictor variables on the resultant assessments of reoffending risk it would be premature to do so at present as this is ongoing research and it is anticipated that proper evaluations and reports will be published in the future as explained above.

It is recognised that releasing further information would add to the public discourse on the use of computer assisted decision making in the policing environment and in the diversionary schemes. However both HART and Checkpoint Programme are developmental and as yet there are no definitive evaluations or results of these experiments to disclose, other than those already in the public domain.

I have considered the impact releasing any further information in respect to services provided by Experian to Durham Constabulary would have on Durham Constabulary’s ability to detect and prevent crime against those in the community it serves.

There is a public interest in knowing Durham Constabulary is accountable for the efficient and effective execution of its policing functions. However it is not in the public interest to release any information which would harm the policing capabilities and tactics used by Durham Constabulary to detect and prevent crime and would in turn impact on the citizens of County Durham and Darlington by increasing crime.

Decision

Whilst the public interest considerations favouring disclosure carry weight, it is felt that on balance the factors favouring non-disclosure are of greater importance. As the use of HART and the Checkpoint Programme are still experimental and as such are subject to development and change as the trial information on both is gathered and assessed it would be premature to release further information which could lead to incorrect assumptions or conclusions.

Further to release any further information in relation to the use of services provided by Experian would, it is felt, undermine Durham Constabulary’s ability to carry out its policing functions. Durham Constabulary will not release information which would undermine its ability to prevent or delay the detection of crime, the apprehension and prosecution of offenders.

Therefore I have decided that that the public interest favours non-disclosure of any further information.

In accordance with Section 17 of the Freedom of Information Act this letter acts as a Refusal Notice in relation to any further information relevant to the request.

Please note that Durham Constabulary’s response to your request is unique and should not be used as a comparison with any other Force response you receive.

**COMPLAINT RIGHTS**

Your attention is drawn to the below link to our website, which details your right to complain:

<https://www.durham.police.uk/About-Us/Freedom-of-information/General/Pages/FOI-Request.aspx>

If you have any further enquiries concerning this matter, please write or contact me on the above telephone number.

I hope this is of assistance to you.

A Hattersley

Information Rights and Disclosure Unit