

DMPC Decision – PCD 510

Title: Request to accept Home Office funding to develop capability to address Serious and Organised Online Crime Activity

Executive Summary:

This report seeks permission for the MPS to accept funding from the Home Office to expand its online capability, and to bid for funds to support cyber infrastructure and tactics.

The Home Office and NPCC Lead for Cyber, Chief Constable Goodman of Derbyshire are developing a joint strategy to address the growing issues of illegal goods and services for sale online.

Recommendation:

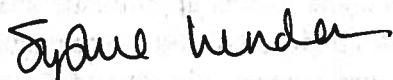
The Deputy Mayor for Policing and Crime is recommended to:

- Approve an offer of grant funding from the Home Office of up to £500,000 over 2 years to form an Online investigative team targeting serious and organised crime
- Approve a bid from the Metropolitan Police Service to the Home Office Innovation Fund for grant funding of £120,000 in 2018/19 to develop and support intelligence gathering and enforcement capability.

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature**Date**

17/12/2018

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

1. Introduction and background

- 1.1. In support of a joint strategy with the Home Office and National Police Chief's Council in relation to online criminality the Home Office has confirmed significant additional funding to increase online capability in every ROCU Cyber Crime Unit in England and Wales. This will also include the Metropolitan Police Cyber Crime Unit (MPCCU). This capability will be over and above existing staffing levels.
- 1.2. The funding is allocated to the MPS with a terms of reference for the unit. Spending and delivery will be scrutinised on a monthly basis by the Home Office and NPCC.
- 1.3. In support of the online capability funding the Home Office has also allocated Police Transformation funding to be bid against to deliver additional capability. The MPCCU request authority to bid for £120,000 to develop systems designed to enhance the capability to research and evidence.

2. Issues for consideration

- 2.1. If funding is not granted or supported during the December PIB process then the delay in recruiting staff and establishing the increased online capability will fail to utilise the full available funding within the 2018/19 window. The funding will not be carried over into the next financial year.

3. Financial Comments

- 3.1. This business case is to obtain funding from the Home Office to continue to support the cyber response within the MPS. The total bid is for:

2018/19	£250,000 additional ROCU funding
2019/20	£250,000 additional ROCU funding
2018/19	£120,000 Police Transformation Fund
- 3.2. At the conclusion of the funding period, following review, the MPCCU, if appropriate, will seek to maintain the assets through MPS funding and further appropriate bids for Home Office support. It is anticipated that the latter will be forthcoming as the majority of the funding is part of a national uplift of capability and supports the MOPAC Police & Crime Plan through to 2021.

4. Legal Comments

- 4.1. This report seeks MOPAC's approval to be bid for grant funding of £620,000 to support staffing and infrastructure uplift.

- 4.2. Para 4.8 of the MOPAC Scheme of Consent and Delegation provides the DMPC with delegated power to approve any bid for grant funding.
- 4.3. The grant agreement will be published under the Elected Local Policing Bodies (Specified Information) Order 2011.

5. GDPR and Data Privacy

- 5.1. The MPS is subject to the requirements and conditions placed on it as a 'State' body to comply with the European Convention of Human Rights and the Data Protection Act (DPA) 2018. Both legislative requirements place an obligation on the MPS to process personal data fairly and lawfully in order to safeguard the rights and freedoms of individuals.
- 5.2. Under Article 35 of the General Data Protection Regulation (GDPR) and Section 57 of the DPA 2018, Data Protection Impact Assessments (DPIA) become mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects.
- 5.3. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.
- 5.4. A DPIA has been commenced for this project. The project will ensure a privacy by design approach, which will allow the MPS to find and fix problems at the early stages of any project, ensuring compliance with GDPR. DPIAs support the accountability principle, as they will ensure the MPS complies with the requirements of GDPR and they demonstrate that appropriate measures have been taken to ensure compliance.

6. Equality Comments

- 6.1. As this is an extension of an existing service this work does not change any aspects relating to equality or diversity. The purchasing of equipment will be compatible with assistive technology and training will be conducted on a needs basis.

7. Background/supporting papers

- 7.1. Report

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.

If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If yes, for what reason:

Until what date:

Part 2 Confidentiality: Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a **Part 2** form – YES

ORIGINATING OFFICER DECLARATION

	Tick to confirm statement (✓)
Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
Legal Advice: The MPS legal team has been consulted on the proposal.	✓
Equalities Advice: Equality and diversity issues are covered in the body of the report.	✓
Commercial Issues Commercial issues are not applicable	✓
GDPR/Data Privacy <ul style="list-style-type: none">GDPR compliance issues are covered in the body of the report.A DPIA has been commenced.	✓
Director/Head of Service: The Chief Finance Officer has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓

OFFICER APPROVAL**Chief Executive Officer**

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.

Signature

R. Lawrence

Date 12/12/2018



MAYOR OF LONDON
OFFICE FOR POLICING AND CRIME

**Request to accept Home Office funding to develop capability to address
Serious and Organised Online Crime Activity**

Portfolio and Investment Board, 13 November 2018

**Report by DCS Michael Gallagher, Central Specialist Crime on behalf of the
Deputy Commissioner**

**Part 1 – This section of the report will be published by MOPAC. It is
classified as OFFICIAL – PUBLIC**

EXECUTIVE SUMMARY

This report seeks permission for the MPS to accept funding from the Home Office to expand its online capability, and to bid for funds to support cyber infrastructure and tactics.

The Home Office and NPCC Lead for Cyber, Chief Constable Goodman of Derbyshire are developing a joint strategy to address the growing issues of illegal goods and services for sale online.

As the MPS provide the London regional cyber response through its Cyber Crime Unit it is included in this project with £250,000 offered by HO per year 2018/19 and 2019/20 to develop the team and provide benefits, with future funds potentially made available post 2020. These funds will primarily pay for staff and licences to upskill existing capability.

In support of this funding a further application is made for £120,000 to the Home Office Innovation Fund in 2018/19 to further enhance intelligence gathering and enforcement capability.

Recommendations

The MPS Portfolio & Investment Board (PIB) is asked to:

- 1. Approve an offer of grant funding from the Home Office of up to £500,000 over 2 years to form an Online investigative team targeting serious and organised crime**
- 2. Approve a bid from the Metropolitan Police Service to the Home Office Innovation Fund for grant funding of £120,000 in 2018/19 to develop and support intelligence gathering and enforcement capability.**

Time sensitivity

A decision is required from the Deputy Mayor by 13/12/2018. This is because if successful, efforts to commence recruitment and secure required licensing contracts will commence immediately. Delays could result in:

- The inability to utilise the full funding available during the 2018/2019 funding window which could compromise the ability to fund the overall project.
- MPCCU falling behind other ROCUs in providing the service to the public desired by Chief Constable Goodman
- Delay in tackling the escalating scale of online criminality
- Increasing costs of desired licensing, software and hardware.

Non-confidential facts and advice to the Deputy Mayor for Policing and Crime

1. Falcon is the MPS response to cyber dependant and enabled acquisitive crime by providing a holistic 4P approach (Prepare, Prevent, Protect, Pursue) to fraud and cyber. Within the current Falcon structure, the cybercrime unit (MPCCU) responds to both all force level cyber dependant crime as well as regional level crimes for London which are tasked through the National Crime Agency (NCA) and the National Fraud Intelligence Bureau (NFIB). Though there may be reorganising of the Falcon teams as part of Met Transformation, the Cyber Crime Unit will continue to retain responsibility for Cyber dependent crime
2. In support of a joint strategy with the Home Office and National Police Chief's Council in relation to online criminality the Home Office has confirmed significant additional funding to increase online capability in every ROCU Cyber Crime Unit in England and Wales. This will also include the Metropolitan Police Cyber Crime Unit. This capability will be over and above existing staffing levels.
3. The funding is allocated to the MPS with a terms of reference for the unit. Spending and delivery will be scrutinised on a monthly basis by the Home Office and NPCC.
4. The Specialist Crime Command support the compelling rationale of the NPCC lead and fully support development of this new capability which will service all

areas of Serious Organised Crime (SOC) criminality and target those who seek to commit the highest harm.

5. The MPCCU propose to uplift and employ a team of three for this unit. In the first year when the full amount is awarded it will be allocated on a pro rata basis for staff salary. The remainder will purchase the necessary equipment.
6. The terms of reference for this unit are in support of the MPS Control Strategy. Packages produced would be subject to a 'MORiLE' system of scoring and grading being promoted by the NCA to assess and deliver an operational response. This will be in line with the MPS's own tasking process.
7. In support of the online capability funding the Home Office has also allocated Police Transformation funding to be bid against to deliver additional capability. The MPCCU request authority to bid for £120,000 to develop systems designed to enhance the capability to research and evidence

Issues for consideration

If funding is not granted or supported during the December PIB process then the delay in recruiting staff and establishing the increased online capability will fail to utilise the full available funding within the 2018/19 window. The funding will not be carried over into the next financial year.

Contributes to the MOPAC Police & Crime Plan 2017-2021¹

The bid supports the MOPAC Police & Crime Plan which recognises the importance of responding to the growth and threat of crime online. This is reflected in the MPS Business Plan.

Financial, Commercial and Procurement Comments

This business case is to obtain funding from the Home Office to continue to support the cyber response within the MPS. The total bid is for:

2018/19	£250,000 additional ROCU funding
2019/20	£250,000 additional ROCU funding
2018/19	£120,000 Police Transformation Fund

At the conclusion of the funding period, following review, the MPCCU, if appropriate, will seek to maintain the assets through MPS funding and further appropriate bids for Home Office support. It is anticipated that the latter will be forthcoming as the majority of the funding is part of a national uplift of capability and supports the MOPAC Police & Crime Plan through to 2021.

Breakdown

This information is contained in the restricted section of the report.

¹ [Police and crime plan: a safer city for all Londoners | London City Hall](#)

Legal Comments

1. This report seeks MOPAC's approval to bid for grant funding of £620,000 to support staffing and infrastructure uplift.
2. Para 4.8 of the MOPAC Scheme of Consent and Delegation provides the DMPC with delegated power to approve any bid for grant funding.
3. The grant agreement will be published under the Elected Local Policing Bodies (Specified Information) Order 2011.

Equality Comments

As this is an extension of an existing service this work does not change any aspects relating to equality or diversity'.

The purchasing of equipment will be compatible with assistive technology and training will be conducted on a needs basis.

Privacy Comments

The MPS is subject to the requirements and conditions placed on it as a 'State' body to comply with the European Convention of Human Rights and the Data Protection Act (DPA) 2018. Both legislative requirements place an obligation on the MPS to process personal data fairly and lawfully in order to safeguard the rights and freedoms of individuals.

Under Article 35 of the General Data Protection Regulation (GDPR) and Section 57 of the DPA 2018, Data Protection Impact Assessments (DPIA) become mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects.

The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.

A DPIA has been commenced for this project. The project will ensure a privacy by design approach, which will allow the MPS to find and fix problems at the early stages of any project, ensuring compliance with GDPR. DPIAs support the accountability principle, as they will ensure the MPS complies with the requirements of GDPR and they demonstrate that appropriate measures have been taken to ensure compliance.

Real Estate Implications

There are no changes to real estate or current MPCCU footprint suggested. The establishment of the online investigation capability will be within the existing Cyber Crime Unit accommodation.

Environmental Implications

There is no impact in relation to delivering the Mayor's London Environment Strategy²

Background/supporting papers

Otherwise, include supporting papers in Part 2, exempt from publication.

Report author: DCS Michael Gallagher, Central Specialist Crime

Part 2 – This section refers to the details of the Part 2 business case which is NOT SUITABLE for MOPAC Publication.

The Government Security Classification marking for Part 2 is:
OFFICIAL-SENSITIVE [ORGANISATIONAL]

Part 2 of MPCCU funding bid expansion of online capability and resources is exempt from publication for the following reasons:

- Provides operationally sensitive and tactical information in relation to the law enforcement response to cybercrime for London
- Contains information about current Police investigations
- Contains information directly from the National Crime Agency

The relevant sections under the FOIA that would exempt this information from disclosure are

- Data Protection Act Section 31 – Prejudicing the investigation, prevention & detection of crime.
- Data Protection Act Section 30 – Information relating to a current criminal investigation
- Data Protection Act Section 23 – Information from the NCA

The paper will cease to be exempt in 2028, it is assessed that the tactical and operational information included would no longer be sensitive.

² <https://www.london.gov.uk/WHAT-WE-DO/environment/environment-publications/draft-london-environment-strategy>