



Your reference: n/a

Our reference: FOI_24_0057

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Date: 08/03/2024

Dear

Gloucestershire Constabulary Freedom of Information request FOI_24_0057

On 15/01/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

How many crimes on the metaverse have been reported to your force since 2021? By Metaverse, I mean a virtual-reality space in which users can interact within a computer-generated environment such as Meta's game Horizon Worlds. If possible please can you detail the nature of the offence alleged, time of the reporting and decision in the case whether to investigate or not.

You clarified that a free text search for 'Metaverse', 'Virtual reality', 'Horizon worlds' within the MOs of crimes would be acceptable.

Gloucestershire Constabulary does not hold any information about reported crimes that may have occurred on the Metaverse for the majority of offences. In addition however, Gloucestershire Constabulary can Neither Confirm Nor Deny any other information is held regarding reports of crime that would be in relation to terrorism and serious and organised crime and would engage s23(5) Security Matters, s24(2) National Security, and s31(3) Law Enforcement of the FOIA.

Section 23 - Security bodies - (5) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would involve the disclosure of any information (whether or not already recorded) which was directly or indirectly supplied to the public authority by, or relates to, any of the bodies specified in subsection (3).

Section 24 - National Security – (2) The duty to confirm or deny does not arise if, or to the extent that, exemption from section 1(1)(a) is required for the purpose of safeguarding national security.

Section 31 - Law Enforcement - (1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice -

(a) the prevention or detection of crime,

(b) the apprehension or prosecution of offenders,

(3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1).

Evidence of Harm for s24 and s31

The Freedom of Information Act is applicant and motive blind. Any information disclosed under the Act is a disclosure to the world at large and would be disclosed to any individual upon request. For this reason a request under the Act cannot be a private transaction. Both the request itself, and any information which may be disclosed, are considered suitable for open publication.

Public safety is of paramount importance to the policing purpose and must be taken into account in deciding whether to disclose information, if held, or not. To confirm or deny whether any other information is held relevant to the reporting of matters and activities linked to Terrorism and/or Serious and Organised Crime originating from within a Virtual Reality (VR) online environment, would allow interested parties to gain an upper hand and awareness of policing decisions used to safeguard national security, and the prevention and detection of crime.

The threat from terrorism cannot be ignored. It should be recognised that the international security landscape is increasingly complex and unpredictable. The UK faces a sustained threat from violent terrorists and extremists. Since 2006, the UK Government have published the threat level, as set by the security service (MI5) based upon current intelligence. With the current threat level to the UK given as 'substantial', the Government website explains that *'this means that a terrorist attack is likely'*.

Any information identifying the focus of policing activity could be used to the advantage of terrorists, extremist or criminal organisations. Information that undermines the operational integrity of these operational activities (whether further information is or is not held in this instance) will adversely affect public safety and have a negative impact on both national security and law enforcement.

To confirm or deny whether any further information is held relating to the existence of police investigations into Terrorism and/or Serious and Organised Crime would be extremely useful to those involved in any form of criminal or terrorist activity, as it would enable them to ascertain whether or not they are being monitored in any way, thus whether they may or may not have evaded detection. There are significant risks associated with the release of such information as this may provide perpetrators with an advantage over Gloucestershire Constabulary and other forces.

It remains our position that under FOIA Gloucestershire Constabulary will not confirm or deny whether it holds any other information pertinent to your request. This would be counter effective to the safeguarding of national security, and increase the risk of crime if the police does not take a consistent approach to requests of this nature. An increase in crime which arises out of an inconsistent approach to the 'NCND' principle may lead to an escalation of criminal activity that could have a detrimental effect on national security and police intelligence.

Gloucestershire Constabulary works with other partners in order to combat issues such as Serious and Organised crime as well as Terrorism. Confirming or denying that any other information exists relevant to this request would seriously undermine this partnership approach.

Public Interest Test

Factors favouring confirmation or denial for S24_- The information simply relates to national security and disclosure would not actually harm it. The public are entitled to know how public funds are spent and by confirming or denying that this information is held would allow them to see where money is being spent and know that the police is undertaking its duty to robustly tackle any form of activity relevant to this request.

Factors against confirmation or denial for S24 – Confirmation or denial that any other information is held of this nature would render security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infrastructure of the UK and increase the risk of harm to the public. To counter this, a full review of security measures would be needed and additional costs would be incurred.

Factors favouring confirmation or denial for S31 - Confirming or denying whether the Gloucestershire Constabulary holds any other information relevant to this request in relation to Serious and Organised crime, or Terrorism, the public would see where public funds have been spent and allow the Police service to appear more open and transparent. Gloucestershire Constabulary is committed to openness and transparency with the general public. When a request for information is made to the force, it is correct that the police make appropriate information available to the general public. The provision of information, through confirming or denying whether any other information relevant to this request is held would accordingly, reinforce our commitment to be an open and transparent organisation.

Factors against confirmation or denial for S31_- By confirming or denying whether or not Gloucestershire Constabulary holds any other information in relation to Serious and Organised crime, or Terrorism originating from within a Virtual Reality (VR) online environment, would mean that law enforcement tactics would be compromised which would hinder the prevention and detection of crime. Security arrangements and tactics are re-used and have been monitored by criminal groups, fixated individuals and terrorists with a view to countering them. These security arrangements and tactics would need to be reviewed which would require more resources and would add to the cost to the public purse.

Disclosure would technically be releasing sensitive operational information, if held, into the public domain, which would enable those with the time, capacity and inclination to try and map strategies used by the force, and under what circumstances. Gloucestershire Constabulary is reliant upon these techniques during operations and the public release of the *modus operandi* employed during the enquiries would prejudice the ability of the force to conduct similar investigations.

Additionally forces resources and the ability to operate effectively and efficiently would directly be affected as this information, if held, could be manipulated by those with criminal intent to operate in those areas.

Overall Balance Test

When balancing the Public Interest Test we have to consider whether the information, if held, should be released into the public domain. Arguments need to be weighed against each other.

The security of the country is of paramount importance and Gloucestershire Constabulary will not divulge whether any other information is or is not held if to do so would undermine National Security, our law enforcement functions or the investigative process. Whilst it is recognised that there is a public interest in the transparency of policing operations and providing assurance that the police service is appropriately and effectively engaging with the threat posed by various groups or individuals, there is a very strong public interest in safeguarding the integrity of police investigations and operations in this highly sensitive area.

As much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances. Areas of interest to the police are sensitive to the extent that they reveal local intelligence. To confirm or deny the existence of the requested information in respect of matters linked to Serious and Organised crime, or Terrorism with VR environments, would allow interested parties to gain an upper hand and awareness of policing decisions used during investigations, leading to an increase of harm to either the investigation itself, or the subject of the investigation.

Whilst to confirm or deny that any other information is held, would reassure the public that any operation had been or was being properly conducted and allow for a greater understanding of how information has been gathered, this could undermine the role and effectiveness of any future operations. Any disclosure of information, if held, which has the potential to jeopardise an operation/investigation, is therefore likely to prejudice law enforcement. Therefore, after weighing up the competing interests I have determined that confirmation or denial of any information being held relating to any other information that would have direct impact on National Security and Law Enforcement would not be in the public interest. To confirm or deny that any such information is held would identify what was or was not of interest to Gloucestershire Constabulary and thus the potential to disrupt any ongoing or future operations.

However, this should not be taken as necessarily indicating that any further information that would meet your request exists or does not exist.

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

The Information Commissioner can be contacted via the following means:

Website - <https://ico.org.uk/>

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post –

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary