



Your reference: n/a

Our reference: FOI_24_0121

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 23/02/2024

Dear

Gloucestershire Constabulary Freedom of Information request FOI_24_0121

On 29/01/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

Please accept this request under the Freedom of Information Act.

I'm seeking the number of visits made to the following website address from your force's computers over the past 12 months:

[PimEyes: Face Recognition Search Engine and Reverse Image Search](#)

If your force's web traffic records are not retained for 12 months, please provide figures for the longest period possible (i.e. if records are kept for 90 days, please provide the number of visits made to the above website address during that 90-day period.)

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon s17 of FOIA requires that we provide the applicant with a notice which: a) states that fact b) specifies the exemption(s) in question and c) states (if that would not otherwise be apparent) why the exemption applies.

Gloucestershire Constabulary can neither confirm nor deny that it holds any information in relation to this request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

Section 24(2) (National security) of the Act provides:

(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(3) (Law Enforcement) NCND of the Act provides:

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).

Section 24 and Section 31 are both qualified exemptions and as such there is a requirement to evidence any harm that may occur through confirmation or denial whether information is held, as well as consider the public interest.

Section 24(2) (National Security) and Section 31(3)(Law Enforcement) NCND - Harm Test

The rationale for neither confirming or denying whether information is held is due to the mosaic effect that would be caused where stating either information is held, or not held or citing an exemption would reveal which forces use a specific technology and which forces do not. The Police Service is unable in this instance to comment on technology that may or may not have been used.

Any disclosure under FOI is a release to the public at large. Whilst not questioning your personal motives, confirming or denying if information is held would show those with criminal intent 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 have deployed the use of this technology would lead to an increase of harm to investigations and compromise law enforcement (whether information is or is not held in this case). 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](#)', which means an attack is likely. 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 held 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 and technology 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.

Please note this response should therefore not be taken to as an indication of whether or not information is held in this instance.

Public Interest Test (Section 24(2) NCND - National Security)

Public interest considerations favouring confirming or denying whether the information is held - Section 24(2)

The confirmation or denial that Gloucestershire Constabulary holds information in relation to this company would provide an insight into the type of technology possibly used and also provide greater transparency in when and how it is or is not used to protect national security.

Confirmation or denial as to whether information is held would lead to a better informed public, especially as the public are entitled to know how public funds are spent.

Public interest considerations favouring neither confirming nor denying whether the information is held - Section 24(2)

Gloucestershire Constabulary is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The security of the country is of paramount importance and Gloucestershire Constabulary will not divulge whether any information is or is not held if to do so would place the safety of an individual at risk or undermine National Security.

Whilst there is a public interest in the transparency of policing, providing assurance that the police are appropriately and effectively engaging with the threat from criminals, there is a very strong public interest in safeguarding both National Security and the integrity of the police in knowing that policing activity is appropriate and balanced in matters of National Security. This will only be overridden in exceptional circumstances.

To confirm or deny whether Gloucestershire Constabulary hold information would allow inferences to be made about the nature and extent of national security related activities which may or may not take place. This could enable terrorist groups to take steps to avoid detection, and as such, confirmation or denial would be damaging to national security. By confirming or denying any policing arrangements of this nature would render national security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure on the UK and increase the risk of harm to the public.

Balancing Test (Section 24(2) NCND National Security)

The strongest reason favouring confirming or denying if information is held is taking into account if there is a public interest in any possible use of this company in any way.

The strongest reason favouring neither confirming nor denying whether information is held is to ensure law enforcement capabilities to protect national security are not undermined in any way whether additional information in this case is held or not.

On weighing up the competing interests, Gloucestershire Constabulary finds that the public interest favours neither confirming nor denying whether any information is held by virtue of this exemption.

Public Interest Test (Section 31(3) NCND – Law Enforcement)

Public interest considerations favouring confirming or denying whether the information is held - Section 31(3)

Confirming or denying whether any information is held would allow Gloucestershire Constabulary to demonstrate increased openness and transparency.

Public interest considerations favouring neither confirming nor denying whether the information is held - Section 31(3)

By confirming or denying whether any information is held would mean that law enforcement tactics would be compromised which would hinder the prevention and detection of crime.

Security arrangements and law enforcement tactics are often reused and have been monitored by criminal groups, fixated individuals and terrorists. 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 if an adverse FOIA disclosure undermined any possible operational methodology/work.

Gloucestershire Constabulary is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The ability to uphold and protect law enforcement capabilities within the country is of paramount importance and the police will not divulge whether any other information is or is not held if to do so would place the safety of an individual at risk or undermine law enforcement capabilities due to adverse disclosure.

Whilst there is a public interest in the transparency of policing, providing assurance that Gloucestershire Constabulary is appropriately and effectively engaging with the threat from criminals, there is a very strong public interest in safeguarding law enforcement methodology and capabilities, as well as the integrity of the police in knowing that policing activity is appropriate and balanced.

Balancing Test (Section 31(3) NCND Law Enforcement)

The strongest reason favouring confirming whether information is held is the public interest in the use of public funds.

The strongest reason favouring neither confirming nor denying whether information is held is to ensure law enforcement capabilities and methodology (whether or not used in this instance) are not undermined by an adverse disclosure.

On weighing up the competing interests, Gloucestershire Constabulary finds that the public interest favours neither confirming nor denying whether any information is held by virtue of this exemption.

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