



Your reference: N/A  
Our reference: FOI\_24\_0289  
E-mail: FOI  
@gloucestershire.police.uk  
Direct dial: 01452 754304  
Postal Address: As above  
Date: 04/04/2024

Dear

**Gloucestershire Constabulary Freedom of Information request 24.0289**

On 05/03/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

Good afternoon

I would like to request some information under the Freedom of Information Act Would you please be able to tell me, for each of the last three years:

1. The number of allegations you've received about racism on social media
2. The number of arrests made in relation to alleged racism on social media
3. The number of charges in relation to alleged racism on social media

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary holds some relevant information.

Police Forces in the United Kingdom are routinely required to provide statistics to government bodies and the recording criteria is set nationally. However, the systems used for recording these figures are not generic, nor are the procedures used locally in capturing the data. It should be noted that for these reasons the figures given relate to information from the specific recording system of Gloucestershire Constabulary and should not be used for comparison purposes with any other response you receive.

Please note that our systems are designed to record information for policing purposes and the investigation of crime and not to extract statistical information. Accordingly whilst we endeavour to extract relevant data within the time limits of the Act, any data supplied is subject to these limitations.

Following receipt of your request, initial searches were conducted of the Crime Recording System for all substantiated crimes recorded between 01/01/2020 – 31/12/2023, whereby a hate crime tag has been applied with the hate strand of Race.

A filter has then been applied to identify records where the MO code of 'Social Media' and where a cyber tag has been added to the crimes. The results are as follows:

1. An annual breakdown of crimes recorded

| Year         | Total      |
|--------------|------------|
| 2020         | 26         |
| 2021         | 45         |
| 2022         | 69         |
| 2023         | 40         |
| <b>Total</b> | <b>180</b> |

I can confirm that some cases are still ongoing and therefore no further information can be disclosed relating to these investigations by virtue of Section 30 of the Freedom of Information Act.

Section 17 of the Freedom of Information Act 2000 requires Gloucestershire Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if not otherwise apparent) why the exemption applies.

With regard to the above requested information, the following exemption apply:

Section 30 – Investigations and proceedings conducted by public authorities

This exemption is absolute and class based therefore I am not required to apply either the public interest test or harm test in disclosure.

Section 30 is a qualified, class based exemption and therefore a public interest test is required.

**Public Interest Test**

Factors Favouring Disclosure

The disclosure of this information may provide the public with an awareness of any patterns in relation to this type of crime and help to inform public debate on this subject.

Factors against Disclosure

All of the information gathered forms part of an investigation which may be ongoing and any disclosure could undermine the effectiveness of the investigation. Furthermore the disclosure of a detailed breakdown in relation to an individual case may identify whether specific offending behaviour has been reported to the Police and if not, may result in a continuance of the behaviour. Victims may be able to identify themselves from the information disclosed, thereby causing further distress and deterring them from reporting

future instances of harm to the Police. This will hinder the prevention and detection of crime.

### **Balance Test**

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The effectiveness of investigations and the intelligence they provide is of paramount importance and the Police service will not divulge details that could compromise any ongoing investigations or the prevention and detection of crime.

For the reasons set out above it is our opinion that the balance test is in favour of withholding the requested information.

In accordance with the Act, this letter represents a Refusal Notice for this part of your request.

2. Between the requested dates I can confirm that there have been 3 arrests.

4. Between the requested dates I can confirm that there have been 4 charges.

Given the low numbers involved for the arrests and charges, any further breakdown is likely to identify individuals and is therefore exempt under Section 40(2) of the Freedom of Information Act. Although it can be argued that there is a legitimate interest in the public having sight of this information, we cannot override the fundamental rights and freedoms of the data subjects.

Section 17 of the Freedom of Information Act 2000 requires Gloucestershire Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if not otherwise apparent) why the exemption applies.

With regard to the above requested information, the following exemptions apply:

#### **Section 40(2) – Personal Information**

Section 40(2) applies to third party personal data. This would not be released under the Freedom of Information Act unless there is a strong public interest. This is because any release would breach the Data Protection Principles contained within the Data Protection Act 2018, namely the first principle which requires that personal information be processed lawfully, fairly and with transparency. The Constabulary will not release any information under the Freedom of Information Act, which may result in the identification of an individual and in particular the victim of a crime. Due in part to the low number of crimes covered by your request, the short time period covered by your request and the specific nature of the crimes, it is highly likely that an individual may be identified and this includes the potential for a victim of a crime or their family/ friends to identify themselves in any information disclosed.

This exemption is absolute and class based therefore I am not required to apply either the public interest test or harm test in disclosure.

In accordance with the Act, this letter represents a Refusal Notice for this part of your request.

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](mailto:casework@ico.org.uk)

Post –

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

Yours sincerely,

Disclosure Officer  
Gloucestershire Constabulary