



Your reference:

Our reference: FOI_24_0597

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 02/07/2024

Dear

Gloucestershire Constabulary Freedom of Information request FOI_24_0597

On 18/06/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

- 1) How many Advanced Undercover Operations were authorised under RIPA 2000 for the year 2022 to 2023.
- 2) What percentage of the authorised operations related to Murder/manslaughter?

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 your 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
Section 30(3) - Investigations and proceedings conducted by public authorities
Section 31(3) - Law enforcement
Section 38(2) - Health and safety

Section 24 and 31 are prejudice based qualified exemptions and there is a requirement to articulate the harm that would be caused in confirming or not that the information is held as well as carrying out a public interest test.

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

Section 38 is a qualified and prejudice based exemption therefore both a Public Interest Test and Harm Test is required.

Harm

Undercover police tactics are, by their very nature, sensitive. They include techniques and controls that will be of great interest to criminals who are trying to develop measures to counter them. This includes identifying and mapping the deployment of undercover officers (UCOs) with the intention of establishing how and when UCOs have been deployed and/or may be deployed in future.

Gloucestershire Constabulary does not disclose which tactics it uses when deploying covert operatives. To do so would render police tactics connected to undercover policing ineffective. The provision of any information about operational tactics linked to undercover policing could also compromise police investigations, adversely affect the ability of the police and others to safeguard national security and/or otherwise, place individuals at risk. Gloucestershire Constabulary accordingly neither confirms nor denies whether any information relevant to this request for information is held.

PUBLIC INTEREST TEST

Factors favouring confirming or denying whether any information is held in respect of all exemptions claimed - Confirming or denying whether information is held in response to this request would provide the general public with information associated with undercover policing. This would reinforce Gloucestershire Constabulary's wider commitment to openness and transparency with the general public and facilitate public debate in this area of policing. Furthermore, owing to the inherent link between transparency and public confidence, confirming or denying whether information is held would be likely to improve the general public's confidence in the force. Over time, an increase in public confidence would be likely to improve public engagement with the police which would in turn, lead to an improvement in Gloucestershire Constabulary's ability to both prevent and detect crime and apprehend and prosecute offenders.

Factors against confirming or denying whether any information is held – S24 - The reason that Gloucestershire Constabulary does not confirm or deny whether it holds information that may, if held, be required for the purpose of safeguarding national security, is to ensure that those involved in this area of work are able to take action in an uninhibited way in the interests of maintaining national security. In this case, to confirm or deny whether Gloucestershire Constabulary holds information about operations requiring covert operatives, if held, would be counter intuitive to that purpose. Disclosing information that may be related to safeguarding national security in response to Freedom of Information Act requests, would undermine the ability of Gloucestershire Constabulary and others to operate effectively in conducting this work. There are clear links between confidentiality and success in this area of police work. The overriding public interest remains in maintaining the ability of all parties involved in safeguarding national security, to continue to work in an uninhibited way.

Factors against confirming or denying whether any information is held for S30(3) and S31(3) – Gloucestershire Constabulary has a statutory role in investigating criminal offences and deploys a range of tactic to do so. Confirming or denying whether

Gloucestershire Constabulary holds information relevant to this request, should the information be held, would compromise police investigations and operational tactics. This would adversely affecting Gloucestershire Constabulary's ability to prevent and detect crime and apprehend and prosecute offenders, contrary to the public interest.

Factors against confirming or denying whether any information is held for S38(2) -

Confirming or denying whether Gloucestershire Constabulary holds information relevant to this request could, should the information be held, place covert operatives at risk. The provision of any information that could place any person at risk is unlikely to be in the public interest.

Balance Test

This request for information seeks to establish whether Gloucestershire Constabulary holds information relevant to the deployment of UCOs. In determining whether it is appropriate to confirm or deny whether the force holds information relevant to this request, I have conducted a public interest test and have found that confirming or denying whether information is held would reinforce Gloucestershire Constabulary's wider commitment to openness and transparency with the general public. This would in turn facilitate public debate in this area of policing. Furthermore, owing to the inherent link between transparency and public confidence, confirming or denying whether information is held would be likely to improve the general public's confidence in the force. Over time, an increase in public confidence would be likely to improve public engagement with the police which would in turn, lead to an improvement in the force's ability to both prevent and detect crime and apprehend and prosecute offenders.

Having considered the reasons why Gloucestershire Constabulary should opt to neither confirm nor deny that information is held, I have found that the provision of any information (whether held or not) about covert policing could compromise police investigations and operational tactics. This could have the effect of adversely affecting our ability to prevent and detect crime and apprehend and prosecute offenders. Furthermore, owing to the inherent risks associated with undercover policing, confirming or deny whether information is held about operational tactics could, if the information is held, place any person engaged in this work at risk. I have attached considerable weight to these interests as the primary role of Gloucestershire Constabulary is to both prevent and detect crime and apprehend those responsible for committing criminal offences.

Having carefully considered your request, I acknowledge that greater transparency is an important aspiration for Gloucestershire Constabulary, however I consider that it is of greater importance for the force to maintain a consistent position when responding to requests for information about covert policing. This position is to neither confirm nor deny the existence of police activity. A consistent approach allows the force to continue to prevent and detect crime and apprehend and prosecute offenders whilst maintaining the safety of those involved in this area of policing.

For the reasons set out above, I have found that it would be contrary to the public interest to confirm or deny whether information is held in held in response to your request for information. I have accordingly refused your application.

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