



Your reference:

Our reference: FOI\_24\_0852

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 09/10/2024

Dear

**Gloucestershire Constabulary Freedom of Information request FOI\_24\_0852**

On 17/09/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

1. For each of the months February, March, April, May, June, July and August 2024, how many reports did your police force receive alleging the offence of sharing explicit images or videos that have been digitally manipulated to look like someone else without their consent, commonly known as 'fake porn' or 'deepfake porn' (covered by the Online Safety Act 2023)?
2. Given there could be multiple reports about one individual, I am also asking the following question. For each of the months February, March, April, May, June, July and August 2024, how many individuals did your police force receive allegations about relating to the offence of sharing explicit images or videos that have been digitally manipulated to look like someone else without their consent, commonly known as 'fake porn' or 'deepfake porn' (covered by the Online Safety Act 2023).
3. For each of the months February, March, April, May, June, July and August 2024, how many people were charged under the Online Safety Act with the offence of sharing explicit images or videos that have been digitally manipulated to look like someone else without their consent, commonly known as 'fake porn' or 'deepfake porn'?
4. Given one individual could be charged with multiple offences, I am also asking the following question. For each of the months February, March, April, May, June, July and August 2024, how many charges were made by your police force under the Online Safety Act of the offence of sharing explicit images or videos that have been digitally manipulated to look like someone else without their consent, commonly known as 'fake porn' or 'deepfake porn'?
5. Among the reports of victims of 'deepfake porn' for each of the months February, March, April, May, June, July and August 2024, how many were under the age of 18?

6. Among the reports of victims of 'deepfake porn' for each of the months February, March, April, May, June, July and August 2024, how many were under the age of 10?

For clarity, for the questions above, I am asking for charges under the following law, Section 66B, Sexual Offences Act:

- (1) A person (A) commits an offence if –
  - (a) A intentionally shares a photograph or film which shows, or appears to show, another person (B) in an intimate state,
  - (b) B does not consent to the sharing of the photograph or film, and
  - (c) A does not reasonably believe that B consents.

Full legislation is here: <https://www.legislation.gov.uk/ukpga/2003/42/section/66B>

7. For each of the months August, September, October, November and December 2023 and January and February 2024, how many reports did your police force receive alleging the offence of deepfake sexual abuse under other legislation (before the Online Safety Act 2023 came into force) – e.g. communication offences or harassment legislation?

8. Given there could be multiple reports about one individual, I am also asking the following question. For each of the months August, September, October, November and December 2023 and January and February 2024, how many individuals did your police force receive allegations about relating to the offence of deepfake sexual abuse under other legislation (before the Online Safety Act 2023 came into force)?

9. For each of the months August, September, October, November and December 2023 and January and February 2024, how many people were charged with the offence of deepfake sexual abuse under other legislation (before the Online Safety Act 2023 came into force)?

10. Given one individual could be charged with multiple offences, I am also asking the following question. For each of the months August, September, October, November and December 2023 and January and February 2024, how many charges were made by your police force of the offence of deepfake sexual abuse under other legislation (before the Online Safety Act 2023 came into force)?

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

When an Individual contacts the police (i.e. reports) and it's deemed to be a police matter, an incident will be created on the Incident Recording System. If that incident is deemed to fall within the Home Office Crime Recording Rules, a crime will be recorded on the Crime Recording System. The Incident Recording System is largely a free text entry system and does not record information in as much detail as the Crime Recording System and therefore its reporting function is limited.

On receipt of your request, a search of the Incident Recording System was carried out to determine how many records contain the terms 'FAKE PORN' or 'DEEPFAKE PORN' as noted in your request. This is not necessarily a term that a member of the public would use when reporting to police. As such, this search has returned 0 (zero) results. In order to fully determine if any records have been created in relation to this type of offence, all incident records would need to be manually reviewed. For the date range

specified in Q1 of 01/08/2023 – 31/08/2024, over 76,000 incidents have been recorded. A manual review would far exceed the permitted time constraints, therefore Section 12 of the Act is applicable. This section does not oblige a public authority to comply with a request of information if the authority estimated that the cost of complying with the request would exceed the appropriate limit of 18 hours, equating to £450.00

You should consider this to be a refusal notice under Section 17 of the Act for this part of your request.

Please see below for suggestions on how you can refine your request to come within the cost constraints of section 12 of the Act.

Section 17(5) 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.

In relation to your request Section 12 applies.

Section 12(1)– Fee Regulations states:

Section 1(1) of the Act does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit. (As detailed in the Data Protection and Freedom of Information Fees Regulations of 2004)

The appropriate limit at the moment is £450 calculated at an hourly rate of £25 per hour for all staff time incurred in:

- i. Determining whether information is held
- ii. Locating it
- iii. Retrieving it
- iv. Extracting the information to be disclosed from the other information.

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

Section 16 of the Freedom of Information Act, provides the opportunity to assist the applicant with any suggestions or variation that may allow a search to be undertaken within the cost constraints of Section 12 of the Act.

I confirm that the Constabulary could provide the following:

By way of assistance I confirm that the Constabulary could search its crime database for substantiated crimes recorded in the same date range and provide the information breakdowns as requested for questions 3-6 and 9-10.

If this information would be useful, please submit a new 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