



Your reference: n/a

Our reference: FOI_24_0900

E-mail: FOI
@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 30/10/2024

Dear

Gloucestershire Constabulary Freedom of Information request FOI_24_0900

On 04/10/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

1. Between 31st January 2024 and 30th September 2024, how many reports did your police force receive alleging the offence in Section 66B of the Sexual Offences Act 2003 of sharing a photograph or film which appears to show another person in an intimate state without consent, commonly known as 'fake porn' or 'deepfake porn.' Such images have been digitally manipulated to look like someone else without their consent. Please only include reports of 'deepfake porn' or 'fake porn' where an image has been digitally altered to make it sexually explicit and NOT other intimate image abuse offences. Please can you tell me:
 1. The number of alleged offences.
 2. The number of alleged victims.
 3. The sex and age of victim(s). Where you are unable to provide exact age please state whether the alleged victim is over 18 years of age or under 18 years of age.
 4. The number of perpetrators.
2. Between 31st January 2024 and 30th September 2024, how many times did your police force charge someone under Section 66B of the Sexual Offences Act 2003 of sharing a photograph or film which appears to show another person in an intimate state without consent, commonly known as 'fake porn' or 'deepfake porn.' Such images have been digitally manipulated to look like someone else without their consent. Please only include cases of 'deepfake porn' or 'fake porn' where an image has been digitally altered to make it sexually explicit and NOT other intimate image abuse offences. Please can you tell me:
 1. The number of alleged offences.
 2. The number of alleged victims.
 3. The sex and age of victim(s). Where you are unable to provide exact age please state whether the alleged victim is over 18 years of age or under 18 years of age.

4. The number of perpetrators.

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.

I can confirm that a search has been conducted for crimes recorded from 31/01/2024 to 30/09/2024 whereby any of the following offences were recorded and any of the terms "deepfake", "fake", "digitally altered" or "digitally manipulated" were present in the MO:

088/15	Sharing intimate photograph or film to cause alarm, distress or humiliation, or for sexual gratification
088/15	Threaten to share intimate photograph or film
175/08	Share photograph or film of person in intimate state without consent

The MOs of the resultant crimes were then manually reviewed to ascertain if they related to the definition above of 'digitally manipulated to look like someone else without their consent'.

I can confirm that the Constabulary recorded 1 x crime relevant to your request.

Given the very specific nature of the offences and definition of exactly the type of instances you have requested, it's very likely that the individuals involved in the 1 x relevant offence could be identified if any further information were disclosed.

Therefore any further disclosure of information relating to this one x crime is exempt under Section 40 of the Freedom of Information Act.

Although there may be a legitimate interest in disclosing information surrounding these very specific crimes, any such disclosure cannot override the interests or fundamental rights and freedoms of the individuals involved.

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 disclosure of any further information, the following exemption applies:

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. The disclosure of any information which could lead to the identification of an individual would breach the Data Protection Principles contained within the Data Protection Act 2018, namely the first principle which states that personal data shall be processed lawfully, fairly and in a transparent manner in relation to individuals

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

Post –

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

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary