



Your reference: N/A

Our reference: FOI_24_0681

E-mail: FOI
@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 18/07/2024

Dear

Gloucestershire Constabulary Freedom of Information request FOI_24_0681

On 22/07/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

I am seeking information about “human (or people) trafficking” and “facilitating illegal immigration” investigations which currently lie with Gloucestershire Police. /

I would like to know: /

(1) How many open investigations into “human trafficking” offences does Gloucestershire Police have? Please specify the date to which this figure applies. /

(2) How many open investigations into “facilitating illegal immigration” offences does Gloucestershire Police have? Please specify the date to which this figure applies. /

(3) How many open investigations into “human trafficking” together with “facilitating illegal immigration” (i.e. both suspected offences in a single investigation) does Gloucestershire Police have? Please specify the date to which this figure applies. /

(4) How many “human trafficking” charges did Gloucestershire Police secure in: /

(4a) 2019? /

(4b) 2020? /

(4c) 2021? /

(4d) 2022? /

(4e) 2023? /

(5) How many “facilitating illegal immigration” charges did Gloucestershire Police secure in: /

(5a) 2019? /

(5b) 2020? /
(5c) 2021? /
(5d) 2022? /
(5e) 2023? /

(6) How old is your longest open investigation into “human trafficking”? /

(7) How old is your longest open investigation into “facilitating illegal immigration”?

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

Q1 & 6 is exempt by virtue of Section 24(2) & Section 31(1)

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 24(2) National Security
Section 31(1) Law enforcement;

Section 24 is a qualified exemption. There is a requirement to articulate the harm in disclosing such information as well as carrying out a public interest test.

Section 31 is a prejudice-based and qualified exemption. There is a requirement to articulate the harm in disclosing such information as well as carrying out a public interest test.

Harm Test

Modern day policing is intelligence led and relies on the confidence of the public to come forward and report offences. To disclose information relating to these specific offences would cause certain communities too mistrust the Police, which would then be likely to undermine the Police service’s ability to serve the public in preventing and detecting crime and can only be considered as being harmful to the public.

Public Interest Test

Factors in Favour of Disclosure – Section 24

Providing information in relation to Human Trafficking offences would improve public confidence in the work of the police and reassure them that the services and equipment available to the police are appropriate, fit for purpose and robust.

Factors against Disclosure – Section 24

To provide information in relation to Human Trafficking Offences would undermine the ability of Gloucestershire Constabulary to operate effectively in conducting work for the purpose of safeguarding National Security, as over time this would present a picture of our activity in this area. 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 in Favour of Disclosure – Section 31

The disclosure of this information would lead to a better public awareness of how Gloucestershire Constabulary investigates such offences and would provide reassurance to the public that the Gloucestershire Constabulary takes these offences very seriously.

Factors against Disclosure – Section 31

Disclosing the number of offences recorded would show whether Gloucestershire Constabulary has recorded a relatively high or low number of offences which could highlight to offenders that the Police are not, or would not have been, aware of their offending behaviour.

Balance test

The points above highlight the merits for and against disclosure. Disclosure will provide a greater openness and transparency to the communities we serve regarding this specific offence. However, as much as there is a public interest in knowing how these offences are recorded and investigated, this is overridden by the potential for personal data to be disclosed and the likelihood of other offences not being reported.

Further to the above, Gloucestershire Constabulary can neither confirm nor deny that it holds any information in relation to the facilitating of illegal migration 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 23 is an absolute class-based exemption and therefore there is no requirement to conduct a harm or public interest test

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.

Overall Harm

Serious and organised crime is a major threat to the national security of the United Kingdom. Most serious and organised crime is driven by the relentless pursuit of money, with organised crime groups seeking maximum profit for minimum risk. The profit is often from trade in commodities, such as drugs, firearms, or through the exploitation of people, including the facilitation of illegal migration. There is information which can be found in the public domain relevant to this, and other connected matters. For example:

[No place to hide: serious and organised crime strategy 2023 to 2028 \(accessible version\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/714441/no-place-to-hide-serious-and-organised-crime-strategy-2023-to-2028-accessible-version.pdf)

National security is not defined in the Act. However in the case of the Norman Baker MP v. IC (2007) the House of Lords referred to the decision in Secretary of State for the Home Department v. Rehman (2001):

- (i) national security means 'the security of the United Kingdom and its people'
- (ii) the interests of national security are not limited to action by an individual which can be said to be 'targeted at' the UK, its system of government or its people
- (iii) the protection of democracy and the legal and constitutional systems of the state is a part of national security as well as military defence
- (iv) 'action against a foreign state may be capable indirectly of affecting the security of the United Kingdom'
- (v) 'reciprocal co-operation between United Kingdom and other states in combating international terrorism is capable of promoting the United Kingdom's national security'

As can be seen, National Security encompasses a wide spectrum and it is our duty to protect the people within the UK. Public safety is of paramount importance to the policing purpose and must be taken into account in deciding whether to disclose information, if held, or not.

As you may be aware, disclosure under FOIA is a release to the public at large. Therefore, to confirm or deny the existence of any information in relation to investigations concerning facilitating illegal migration could potentially be misused proving detrimental to National Security and Law Enforcement.

Confirming or denying whether any information is held would be of use to those who seek to disrupt police activity as it would, by process of elimination force-by-force, enable individuals with the inclination to identify where specific matters have or have not been subject of police tactics or investigations. Through the process of FOI it would enable individuals to make mosaic requests which can then provide an overall picture as to who or what organisations/groups or people may be monitored in any way. This would enable individuals to evade detection and compromise the ability of the police to safeguard national security.

To confirm whether any information is held in respect of one piece of information and then neither confirm nor deny whether another piece of information is held, is likely to lead the public to deduce that information is held where a NCND response is applied.

Any information identifying the focus of policing activity could be used to the advantage of criminal organisations. Information that undermines the operational integrity of these operational activities (whether information is or is not held in this instance) will adversely affect public safety and have a negative impact on both National Security and Law Enforcement.

It remains our position that under FOIA Gloucestershire Constabulary will not confirm or deny whether it holds any information pertinent to your request. This would be counter effective to the safeguarding of national security, and increase the risk of crime if Gloucestershire Constabulary does not take a consistent approach to requests regarding information held from investigations whether they be monitoring of organisations or individuals. An increase in crime which arises out of an inconsistent approach to the

'NCND' principle may lead to an escalation of criminal activity that could have a detrimental effect on national security and police intelligence.

Gloucestershire Constabulary works in partnership with other agencies in order to combat criminal activity, therefore confirming or denying that information exists relevant to this request would seriously undermine this partnership approach.

Public Interest Test

Factors favouring confirmation or denial for S24

The information simply relates to national security and disclosure would not actually harm it. The public are entitled to know how public funds are spent and by confirming or denying that this information is held would allow them to see where Gloucestershire Constabulary spends money on its investigations.

Factors against confirmation or denial for 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 safeguarding national security.

This would, if information is held, disclose information that would be required for the purpose of safeguarding national security. 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, as over time this would present a picture of our activity in this area. 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 favouring confirmation or denial for S30

A statement confirming or denying whether or not information is held (e.g. whether Gloucestershire Constabulary has ongoing/live investigations into facilitating illegal migration) would enhance the transparency and accountability of the force and its operations.

This would provide an insight into the police service and enable the public to have better understanding of effectiveness of the police, particularly, in relation to the spending of public funds and the decisions taken by officers. As transparency is intrinsically linked to public confidence, confirming or denying whether information is held, would be likely to improve public confidence in the police.

Factors against confirmation or denial for S30

Gloucestershire Constabulary does not release details of the targets of its operations, as to do so would reveal areas of police interest. The release of this type of information could also reveal details from which inferences could be drawn about police intelligence or lines of enquiry. Its release could also adversely affect the ability of Gloucestershire Constabulary to conduct any future investigation, as targets would be aware of police interest in their activities.

Confirmation or denial whether a level of policing activity has or has not occurred in any specific area would enable those engaged in criminal activity to identify the focus of policing activity and any tactics that may or may not be deployed.

To confirm or deny that any information is held relating to this request would undermine any investigative process and compromise the integrity of current or future operations. This could 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.

Factors favouring confirmation or denial for S31

Confirming or denying whether Gloucestershire Constabulary holds information relevant to this request the public would see where public funds have been spent and allow the Police service to appear more open and transparent. Gloucestershire Constabulary is committed to openness and transparency with the general public. When a request for information is made it is correct that the police make appropriate information available to the general public. The provision of information, through confirming or denying whether information relevant to this request is held would accordingly, reinforce our commitment to be an open and transparent organisation.

Factors against confirmation or denial for S31

Gloucestershire Constabulary has a statutory role in investigating criminal offences. It does not under the Freedom of Information Act, confirm or deny whether information is held that would reveal whether certain criminal activity is present within the force area, and thus the subject of police investigations, interest or intelligence. To do so could compromise police investigations, tactics and/or reveal sources of information. This would adversely affect Gloucestershire Constabulary ability to prevent and detect crime and apprehend and prosecute offenders. This would not be in the public interest.

Overall Balance Test

When balancing the Public Interest Test we have to consider whether the information, if held, should be released into the public domain. Arguments need to be weighed against each other.

The security of the country is of paramount importance and Gloucestershire Constabulary will not divulge whether information is or is not held if to do so would undermine National Security, our law enforcement functions or the investigative process. Whilst it is recognised that there is a public interest in the transparency of policing operations and providing assurance that the police service is appropriately and effectively engaging with criminality concerning illegal migration, there is a very strong public interest in safeguarding the integrity of police investigations and operations in this highly sensitive area.

As much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances. Areas of interest to the police are sensitive to the extent that they reveal local intelligence. To confirm or deny the existence of the requested information, would allow interested parties to gain an upper hand and awareness of policing decisions used during investigations, leading to an increase of harm to either the investigation itself, the subject of the investigation.

Whilst to confirm or deny that information is held, would reassure the public that any operation had been or was being properly conducted and allow for a greater understanding of how information has been gathered, this could undermine the role and effectiveness of any future operations. Any disclosure of information, if held, which has the potential to jeopardise an operation/investigation, is therefore likely to prejudice law enforcement.

Therefore, after weighing up the competing interests I have determined that confirmation or denial that information is held would not be in the public interest.

However, this should not be taken as necessarily indicating that any information that would meet your request exists or does not exist.

Q4.

There has been 4 charges confirmed for the whole period of your request.

Any further breakdown is subject to Section 40.

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, 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.

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,

