

25 October 2024

FOI Ref 17323

Request - You asked us the following:

I would like to request the following information under the Freedom of Information Act please:

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.

For clarity and to help you locate the information, I am asking for reports/charges under the following law, Section 66B, Sexual Offences Act 2003:

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

I made a similar request earlier this year but have amended it in order to make it clearer and capture 3 more months worth of data.

If information is covered by any exemption, please disclose such information that is not covered by the exemptions. I am sure you will agree that these matters are of the utmost public interest. The aforementioned law criminalising the sharing of digitally altered, sexually explicit images commonly known as 'deepfake' or 'fake porn' only came into force in January 2024 and it is in the public interest to see what impact it is having. If you require any further information please let me know.

We received your request on 03/10/2024 and have processed this under the Freedom of Information Act (FOIA).

Staffordshire Police's response to your enquiry is as follows:

Staffordshire Police holds the requested information.

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. – **Partially disclosed, please see accompanying file titled 'FOI 17323 Deepfake and Fake Pornography Data.PDF'.**
2. The number of alleged victims. – **Partially disclosed, please see accompanying file titled 'FOI 17323 Deepfake and Fake Pornography Data.PDF'.**
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. – **Partially disclosed, please see accompanying file titled 'FOI 17323 Deepfake and Fake Pornography Data.PDF'.**
4. The number of perpetrators. – **Partially disclosed, please see accompanying file titled 'FOI 17323 Deepfake and Fake Pornography Data.PDF'.**

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. – **Disclosed, please see accompanying file titled 'FOI 17323 Deepfake and Fake Pornography Data.PDF'.**
2. The number of alleged victims. – **Not applicable.**
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. – **Not applicable.**
4. The number of perpetrators. – **Not applicable.**

Please note that there are a number of offences that are still being investigated so with regard to these cases we are citing Section 30(1)(a) of the Freedom of Information Act 2000 – Investigations conducted by Public Authorities.

Data for this request has been extracted from our crime/occurrence recording database for all offences recorded under Section 66B of the sexual offences Act. All resulting logs have then been manually reviewed and data provided based upon a subjective view of each log as to whether any mention of image manipulation had been recorded.

The following exemptions have been applied:

In accordance with Section 17(1) of the Freedom of Information Act, this letter represents a refusal notice for this particular request.

- Section 30(1)(a)(b) – Criminal Investigations

Section 30 is qualified and class based and, as such, we are required to apply the public interest test.

Public Interest Test

Factors favouring disclosure under Section 30(1)(a)(b)

Disclosure of the information would improve the public's knowledge and understanding of the investigatory process and, as all police investigations are publicly funded, would show how public funds are being spent.

Factors favouring non-disclosure under Section 30(1)(a)(b)

Disclosure of the requested information would prejudice how investigations are carried out in the future. Staffordshire Police is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Any release of information relating to ongoing investigations could prejudice and undermine those investigations. The prevention and detection of such matters could therefore be hindered and therefore risk interference with evidence, which could have detrimental impact on future investigations. In addition, the right to a fair trial could be undermined.

Balance test

Disclosure under the Freedom of Information Act is a release of information to the world in general and not an individual applicant. Having considered the public interest factors we are required to determine whether on balance the factors favouring disclosure outweigh those which are against disclosure. It is our view that the factors favouring disclosure do not outweigh those which favour non-disclosure.

Please note that this data has been provided to the best of our ability, subject to the limitation of current recording protocols and systems/software. Additional offences may have been recorded during these timescales but are awaiting finalisation and input onto these systems and would not be present within this dataset.

Every effort is made to ensure that the data presented is accurate and complete. However, it is important to note that this has been extracted from multiple sources, developed for specific policing purposes, for which data extraction methods have not been specifically designed to directly correlate with the terminology of this request. Therefore, the data presented is subject to the inaccuracies and idiosyncrasies inherent in any large-scale recording system.

As a consequence, care should be taken in the interpretation and presentation of this data, so as to not misrepresent the whole or any part of the data disclosed.

Next steps

You can ask us to review our response.



STAFFORDSHIRE
POLICE

If you would like us to carry out a review of our response, please let us know within two months of the date of receipt of this email, review requests should be addressed to:

foi@staffordshire.police.uk

Or by Post to:

Central Disclosure Unit
Staffordshire Police HQ
PO Box 3167
Stafford
ST16 9JZ

Please remember to quote the reference number in any future communications.

Freedom of Information
Central Disclosure Unit