

29 October 2024

FOI Ref 17262

Request - You asked us 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)?

If it is not possible to provide the information requested due to the information exceeding the cost of compliance limits identified in Section 12, please prioritise questions in number order. Questions 1-6 should be prioritised over questions 7-10.

We received your request on 17/09/2024 and have processed this under the Freedom of Information Act (FOIA).

Please find below our response.

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

The following exemptions have been applied:

- Section 12(1) where the cost of compliance exceeds the appropriate limit.

Section 12(1) 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 prescribed limit'.

The above information has been withheld for the following reasons:

There is no method by which we can readily retrieve information from our systems to answer question 2,7,8,9 and 10 of this request. For question 2, there have been in excess of 150,000 incidents. In order to ascertain whether the allegation was received in relation to the offence of 'sharing explicit images or videos that have been digitally manipulated to look like someone else without their consent' would entail a very labour-intensive manual trawl through each record. Further research would be required for questions 7,8,9 and 10. This would entail us searching through all offences (over 47,000) for your requested time period to determine if the offence or allegation related to 'deepfake sexual abuse' before the Online Safety Act 2023 was implemented. From dip sampling, it has been estimated that it would take approximately 3 minutes to review each record to answer question 2,7,8,9 and 10 of request, this would equate to over 9,850 hours. To achieve this task would therefore exceed the 18-hour time and cost threshold of the FOI Act by some considerable margin.

Advice and assistance

Section 16 of the Act places an obligation upon the Authority to provide advice and assistance, in order to comply with this obligation please see below.

If you were to refine your request, data could be provided for the offence, Section 66B of the Sexual Offences Act from 01/01/2023 to 31/08/2024 for the total number of offences, and where a charge has been recorded as the outcome. Additionally, under the offence of Section 66B of the Sexual Offences Act, data can be provided where the victim is under 10 or 18. Furthermore, we can provide where the image



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has been recorded to have been digitally manipulated. However, please note further exemptions may apply.

Next steps

You can ask us to review our response.

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