

21 January 2025

FOI Ref 17590

Request - You asked us the following:

I am writing to submit a FOI request regarding any ongoing criminal investigations involving the illegal sale or supply of weight loss products.

I understand that the Medicines and Healthcare products Regulatory Agency (MHRA) is currently conducting 12 criminal investigations into this issue. I would like to request the following information related to your police force's involvement in these investigations:

1. Involvement in Investigations: Could you confirm if your police force is involved in any investigations into the illegal sale or supply of weight loss products? If so, please provide a summary of your force's role and any actions taken to date.
2. Geographic Areas: Could you specify the geographic regions within your jurisdiction where investigations into the illegal sale of weight loss products are taking place?
3. Enforcement Actions: Can you provide details of any enforcement actions, such as arrests, seizures, or prosecutions, that your police force has undertaken in relation to this matter?
4. Investigation Status: If possible, could you provide an update on the status of these investigations? Are any of them ongoing, or have they resulted in any criminal charges?

I understand that certain details may be exempt from disclosure due to the sensitive nature of ongoing investigations, but I would greatly appreciate any publicly available information you can provide.

Clarification received 19/12/2024:

Just to clarify, the products in question are relating to semaglutide drugs.

Time frame over the past 12 months/ any ongoing investigations.

We received your request on 19/12/2024 and have processed this under the Freedom of Information Act (FOIA).

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

Staffordshire Police can neither confirm nor deny whether information relevant to this request is held, as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

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

- Section 30(3) – Criminal Investigations
- Section 31(3) – Law Enforcement
- Section 40(5) – Personal Information

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

Section 31 is prejudiced and class-based and, as such, we are required to articulate harm and apply the public interest test.

Harm:

Section 30 and Section 31 are quite often used in conjunction with each other when applying the neither confirm nor deny stance in order to protect whether or not an investigation may have been conducted.

To confirm or deny whether information is held in relation to any alleged criminal activity of an individual/s would be likely to prejudice law enforcement functions of preventing and detecting crime, apprehending and prosecuting offenders. Issuing confirmation or denial responses in relation to any allegations, except for those that have already been publicly confirmed, would enable the public to build up a picture of who may have been subject of any allegations. This would be prejudicial to policing functions, as individuals including victims may be less willing to come forward or assist with our enquiries if they were to believe that this information may become public knowledge and them identified.

Public Interest Test

Public interest considerations favouring confirming or denying whether the information is held – Section 30

The Police Service has a duty to conduct criminal investigations and by providing information held would help the public interest and provide transparency of policing operations.

Public interest considerations favouring neither confirming nor denying whether the information is held – Section 30

Any information generated by an investigation needs to be treated with sensitivity. In some cases, it is the confirmation, or otherwise, about who may be the subject of any such investigations, which would disclose facts that would prejudice the evidence gathering within an investigation.

In addition, it would not be in the public interest to disclose information (even inadvertently, through a confirmation or denial) which could identify investigative activities, and subsequently undermine those processes. To do so would hinder the prevention or detection of crime, and apprehension and prosecution of offenders.

Public interest considerations favouring confirming or denying whether the information is held – Section 31

Confirming or denying whether information is held regarding allegations made by or against individuals, would allow the public to see where the public funds are being spent and show the police service to be open and transparent in regards to its activities.

Public interest considerations favouring neither confirming nor denying whether the information is held – Section 31

To confirm or deny that law enforcement holds information on any individual/s in relation to this matter has the potential to damage Staffordshire Police's ability to prevent and detect crime or apprehend or

prosecute offenders in any associated allegations or cases, including tactics and/or reveal sources of information.

Section 40(5B)(a)(i)

(5B) The duty to confirm or deny does not arise in relation to other information if or to the extent that any of the following applies—

(a) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a)—

(i) would (apart from this Act) contravene any of the data protection principles,

Once information is disclosed under the FOI there is no control or limits as to who or how the information is shared with other individuals. Therefore a release under FOI is considered a disclosure to the world in general.

To confirm or deny that Staffordshire Police hold or do not hold information about an individual in relation to a specific matter could potentially disclose information about a living, identifiable individual. This would amount to a release into the public domain of personal information about an individual. The individual in question would have no expectation that this information would be released into the public domain, and therefore their rights under the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR) would be breached by release.

In this instance, processing this information (by issuing a confirmation or denial) would breach the first principle, that of 'lawful, fair and transparent' processing. When balancing the legitimate interests of the public against the interests of the individual and the harm and distress that would be caused by a confirmation or denial, the processing of information in this way becomes unlawful and Section 40(5A)(a)(i) is made out.

Balance test

After weighing up the competing interests we have determined that the Public Interest favours the application of the neither confirm nor deny stance in respect of your request.

We consider that the benefit that would result from issuing a confirmation or denial does not outweigh the considerations favouring the neither confirm nor deny response. 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 or the subject of the investigation.

To confirm or deny whether we hold this information would do little to further the public interest arguments, and in fact would have a negative impact upon Staffordshire Police's abilities to protect public safety and the promise of confidentiality inherent in our communications with those assisting with our enquiries.

Therefore, for the reasons set out above, we have found the balance test favours neither confirmation or denial and accordingly refuse your application.

Please be advised that all Freedom of Information request responses are published on the Staffordshire Police website although personal details are not included.



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Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Staffordshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing within two months of the date of receipt of this email, and should be addressed to:

foi@staffordshire.police.uk

Or by Post to:

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

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Central Disclosure Unit within two months of the Force's response to the original FOI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing. The review will be conducted by another Decision Maker who is independent from the original Decision Maker. The Central Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within 20 working days. In more complex cases the review may take up to 40 working days.

The independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane



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Wilmslow
Cheshire
SK9 5AF

ICO Website for complaints link: <https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/>

Freedom of Information
Central Disclosure Unit