

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 17 July 2023

**Public Authority:** Chief Constable of Greater Manchester Police

**Address:** GMP Headquarters  
Central Park  
Northampton Road  
Manchester  
M40 5BP

### **Decision (including any steps ordered)**

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1. The complainant has requested information from Greater Manchester Police ("GMP") about the false social media personas register. GMP refused to disclose the information under sections 31(1)(a) and 31(1)(b) of FOIA.
2. The Commissioner's decision is that GMP was entitled to rely on section 31(1)(a) and 31(1)(b) of FOIA and he does not require further steps to be taken by the public authority.

### **Request and response**

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3. On 10 February 2023, the complainant wrote to GMP and requested information in the following terms:

"ACPO guidance on Online Research and Investigation states: "The creation of a false [social media] persona should be agreed by a Detective Inspector (Intelligence or Covert Policing) or equivalent. Each agency should maintain a register of all such profiles created and used in the force/agency. This register should be maintained centrally and periodically reviewed taking into account the necessity and proportionality of maintaining and using each registered

persona. A log, recording the time, date, user and the policing purpose, should be maintained for each use of a false persona.”

I’m seeking:

1. The number of authorisations granted for the creation of false social media personas by GMP officers in each calendar year from 2018 to 2022 (inclusive).
  2. A list of column headings contained in the GMP false social media persona register and, if applicable, row headings.
  3. A list of options for entering data under each specific column heading and/or row heading in the GMP social media persona register.
  4. The number of entries in the GMP social media persona register, broken down by platform (including but not necessarily limited to Facebook, YouTube, WhatsApp, Twitter, Instagram, TikTok, Snapchat, Telegram, Pinterest, Reddit, LinkedIn, Tinder, Bumble, and Hinge.)
  5. A list of column headings contained in the GMP log recording the use of false social media personas and, if applicable, row headings.
  6. A list of options for entering data under each specific column heading and/or row heading in the GMP log recording the use of false social media personas.
  7. The number of entries in the GMP log recording the use of false social media personas, broken down by platform (including but not necessarily limited to Facebook, YouTube, WhatsApp, Twitter, Instagram, TikTok, Snapchat, Telegram, Pinterest, Reddit, LinkedIn, Tinder, Bumble, and Hinge.)
4. GMP responded on 8 March 2023. It confirmed that it held the requested information but refused to disclose the information on the basis of sections 31(1)(a) and 31(1)(b) of FOIA. On 15 March 2023, the complainant requested an internal review. GMP failed to provide a response to the complainant’s internal review request.

## **Scope of the case**

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5. The complainant contacted the Commissioner on 15 May 2023 to complain about the way their request for information had been handled.

In their complaint, they raised concerns about GMP's failure to respond to their internal review request.

6. On 23 May 2023, the Commissioner wrote to GMP and advised that although an internal review was requested on 15 March 2023, he has exercised his discretion and accepted the case as eligible for investigation without an internal review. GMP provided its final submissions to the Commissioner 22 June 2023.
7. The Commissioner considers that the scope of his investigation is to determine whether GMP were correct to refuse to provide the requested information under 31(1)(a) and 31(1)(b) of FOIA.

### **Reasons for decision**

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8. Section 31 of FOIA states that:

31.— (1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice –

(a) the prevention or detection of crime,

(b) the apprehension or prosecution of offenders...

9. GMP have argued that to disclose specific details of the number of communications data authorisations relating to the creation of social media accounts for investigative use and the gathering of intelligence would undermine the delivery of operational enforcement.
10. GMP says that modern-day policing is intelligence led and the public expects police forces to use all powers and tactics available to them to prevent and detect crime or disorder and maintain public safety. It maintains that by revealing specific information within the complainant's request, could cause serious harm to any investigation and intelligence gathering exercise that focuses on the use of social media as a law enforcement tool. It says that this would compromise the prevention and detection of crime and the apprehension or prosecution of offenders.
11. GMP contend that although it is publicly known that the police service use social media as an investigative tool, disclosing statistical data relating to social media accounts used for investigative purposes would provide an awareness to offenders and may alert them of such activity enabling them to close down their social media accounts, and potentially recreate other social media profiles via the dark web, enabling their

offending to continue and placing the safety of their victims at further risk.

12. In determining whether the exemption is engaged, the Commissioner has considered both the arguments presented by GMP together with arguments submitted by the complainant in their internal review request.
13. The Commissioner agrees that the release of the information into the public domain would prejudice law enforcement activities. He considers that the disclosure of such information would provide details that would be useful to those with criminal intent and prejudice the law enforcement activities of GMP as well as the safety of victims. The Commissioner can see how the disclosure of such information would prevent the detection of crime and the apprehension of offenders. Having considered all the circumstances in this case, the Commissioner has decided that sections 31(1)(a) and 31(1)(b) are engaged. He has therefore gone on to consider the public interest arguments.

#### **Public interest test**

14. Sections 31(1)(a) and 31(1)(b) are qualified exemptions and are subject to the public interest test set out in section 2(2)(b) of FOIA. The Commissioner has considered whether, in all the circumstances of the case, the public interest in maintaining the exemptions outweighs the public interest in disclosure.
15. In the complainant's internal review request, they argue that they do not agree that the public interest in withholding the information outweighs the public interest in disclosure. The complainant argues that the public has the right to know the extent to which law enforcement agencies are using false social media personas to gather intelligence and argue that this raises serious ethical and legal concerns.
16. Secondly, the complainant says that they do not believe that disclosing statistical data on the number of communications data authorisations would have any impact on police investigations, ongoing or otherwise. Thirdly the complainant says that they believe that the argument by GMP that disclosing the requested information would alert offenders and enable them to close down their social media accounts and potentially recreate other social media profiles via the dark web is speculative and lacks evidence.
17. GMP recognises the public interest in openness and transparency in the police's use of social media as an investigative or intelligence gathering tool. However, it argues that the disclosure of the number of authorisations granted would prejudice its ability to prevent and detect

crime and would undermine the gathering of intelligence by disclosing its tactical processes and capabilities which could also be used in respect of other forces in the country to reveal the national capability.

18. GMP argues that when the current or future law enforcement role of the force is compromised by the release of information, the effectiveness of the force will be reduced. It maintains that the effectiveness of current and future covert operations where social media is used to target criminals may be compromised. GMP also states that if tactical capability is disclosed, making it easier for offenders to avoid apprehension, there would be a need for frontline policing to be taken away from other areas of policing to monitor the criminality of such offenders.
19. GMP says that personal safety of individuals is of paramount importance to the police service and must be considered with every release to the world at large. It contends that the disclosure of such information would prejudice GMP's ability to prevent and detect crime and the apprehension or prosecution of offenders and put victims at further risk. It says that this will not be in the public interest and would undermine the delivery of operational law enforcement.
20. When balancing the public interest, GMP says there is an argument for disclosure in as much as the public have a right to know that the use of social media as a tool is in line with current legislative frameworks. However, it argues that this must be balanced against the negative impact these disclosures can have. GMP states that this public interest is met through the Investigatory Powers Commissioner's publication of communications data authorisations.
21. The Commissioner recognises that information relating to false social media personas as an investigative or intelligence gathering tool by the police, is of particular interest to the complainant. He recognises that their request also covers other details on GMP's false social media persona register, for example, the use of specific platforms. Alerting the public to the use of these named platforms could be used by those with ill-intent to harm policing operations.
22. The Commissioner is satisfied that there is greater, wider public interest in GMP being able to conduct its current and future covert law enforcement operations where social media is used to target criminals without the potential risk that such operations could be compromised by the disclosure of information into the public domain. It must be noted that the Commissioner is in no way dismissive of the public interest in disclosing information for the purposes of transparency and accountability. However, in the circumstance, he considers that there is significant public interest in withholding the information, which outweighs that in disclosure.

23. Therefore, the Commissioner concludes that section 31(1)(a) and 31(1)(b) of FOIA is engaged and the public interest favours maintaining the exemption in the case.

## Right of appeal

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24. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

25. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
26. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Esi Mensah**  
**Senior Case Office**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**