

WILTSHIRE POLICE



Via Email



Police Headquarters

London Road
DEVIZES
Wiltshire
SN10 2DN

Date 17/10/2024

Our ref **FOI 2024/ 796**

Reply contact name is:

Dear *****,

I write in connection with your request for information, dated 03/09/2024, concerning cryptocurrency.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Following receipt of your request, searches were conducted with the Digital Investigations and Complex Fraud team of Wiltshire Police.

Your request for information has now been considered and it is not possible to meet your requirements in full.

You wrote:

I would be grateful if you could provide the following details for the period from 1st January 2023 to 31st July 2024:

1. The total number of reported cases involving stolen cryptocurrency during this period (including but not limited to funds lost in hacks, fraud, scams).

Please include the total number of cases and the total value of the stolen cryptocurrencies (at the time of theft).

Please also break down the cases by their current status.

For closed cases, specify how many were closed due to lack of jurisdiction/referred to another police force, closed due to solving the crime being unlikely, closed due to lack of police resources, and closed due to crime not being serious enough.

2. Of all reported cases, how many involved successfully tracing stolen funds to/through a cryptocurrency exchange or a digital wallet hosted by a cryptocurrency exchange?

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(An exchange is defined as a place where users can buy, sell and trade cryptocurrency, for example Binance or Coinbase.)

3. Of these cases involving exchanges, how many resulted in an officer attempting to contact the exchange?

In cases where an exchange was contacted, did they cooperate with law enforcement?

Cooperation is here defined as:

Acknowledgment and timely response: The exchange acknowledges the request from law enforcement and responds within a reasonable time frame.

Compliance with requests: The exchange complies with lawful requests, such as providing transaction data, account information, or assisting in identifying the individual(s) behind the transactions.

Freezing or restricting funds: The exchange takes appropriate action to freeze or restrict access to stolen funds when requested, in accordance with legal requirements.

4. Please provide a list of the names of exchanges that either did not respond to requests or did not cooperate with law enforcement as per the above criteria.

Response:

Upon reviewing this FOI request, the information is exempt by virtue of s31(3) Law Enforcement. S31 is both a qualified and prejudice based exemption requiring articulation of the harm and a test of the public interest.

Harm

Freedom of Information is considered to be a release to the world as once the information is published the public authority, in this case Wiltshire Police, has no control over what use is made of that information. Whilst not questioning the motives of the applicant it could be of use to those who seek to disrupt any police investigation.

Confirmation or denial that Wiltshire Police holds information about tracing stolen cryptocurrency through cryptocurrency exchanges relates to the methodology of such investigations, which is ultimately indicative of investigative tactics used by UK policing. To confirm information (if held) in this regard would inform criminal subjects of the approach, as well as the associated success rate of tactics that may be used by UK Policing and would likely cause criminals to adapt their activity accordingly. 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; ultimately causing more harm to victims of crime.

It remains our position that under FOIA Wiltshire Police will not confirm or deny whether it holds any information pertinent to your request. 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. An increase in crime which arises out of an Keeping Wiltshire Safe

inconsistent approach to the 'NCND' principle may lead to an escalation of criminal activity that could have a detrimental effect on police investigations.

Public Interest Test

Factors favouring confirmation or denial for S31 - By confirming or denying whether information is held would show the public where funds are being spent. It would provide reassurance that the Police treat this type of crime seriously and all investigations are conducted robustly. Better public awareness may lead to more information from them.

Wiltshire Police 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 being an open and transparent organisation.

Factors against confirmation or denial for S31 - By confirming or denying whether or not Wiltshire Police hold information relevant to this request would compromise investigations, thus hindering the prevention and detection of crime. To confirm that information is held and then provide it might allow those who are concerned with stealing cryptocurrency to adapt their behavior with a view to evading detection as they would be better informed as to how the police might conduct investigations of this nature. This could impact on police resources, investigations themselves and ultimately add to the public purse.

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.

As mentioned above, there is public interest in knowing how the police conduct investigations and whether or not any tactics used are successful, and this will only be overridden in exceptional circumstances. Yet to confirm or deny the existence of the requested information would allow interested parties to gain an upper hand and awareness of policing tactics used during investigations, leading to an increase of harm to such investigations.

Whilst to confirm or deny that information is held would reassure the public that any investigation 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 investigations. Any disclosure of information, if held, which has the potential to jeopardise an investigation, is therefore likely to prejudice law enforcement.

In conclusion, after weighing up the competing interests I have determined that confirmation or denial that the information requested 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.

Section 17 of the Freedom of Information Act 2000 requires Wiltshire Police, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies. In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice for those aspects of your request.

Exemption applied:

s31(3) Law Enforcement

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Force Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire 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 to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.police.uk.

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 Force Disclosure Unit within 20 working days of the Force's response to the original FoI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force 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 twenty 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:

Keeping Wiltshire Safe

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk

Please note that the ICO's offices will be closed for the foreseeable future and are therefore unable to receive correspondence via post.

If you should wish you contact them, please visit <https://ico.org.uk/global/contact-us/>