

WILTSHIRE POLICE



Police Headquarters

London Road
DEVIZES
Wiltshire
SN10 2DN



XXXXXX – by E mail

Date: 15th January 2025

Our ref: FOI 2025/053

Reply contact name: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 13th January 2025 concerning direct-to-customer genetic databases.

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.

Your request for information has now been considered and I am able to respond as follows.

You Wrote:

I would like to know if the police are using direct-to-consumer genetic databases (such as Ancestry.com, 23AndMe, etc.) as tools in investigations.

Response:

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

Section 24(2) – National Security
Section 31(3) – Law Enforcement

Overall Harm

Any disclosure under the Freedom of Information Act is a release to the public at large. Under the Act, we cannot, and do not request the motives of any application for information. We have no doubt that the vast majority of requests made under the Act are legitimate and the applicants do not have any ulterior motives. Whilst not questioning the motives behind this specific request, confirming or denying that information is held would

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cause operational harm and affect our ability to fulfil our core function of law enforcement in the future.

Confirming or denying if a particular tool of this type is used for policing purposes, or has been trialed by Wiltshire Police is different from confirming if, in principle, commercial tools generally are used within the scope of policing investigations.

It is well established that police forces use publicly available data in order to counteract criminal or terrorist behavior. It has been previously documented in the media that many terrorist incidents have been thwarted due to intelligence gained by these means. However, given the sensitive areas in which tools may be used, including within the sphere of counter-terrorism investigations, to disclose if any particular products or tools are trialed, or subsequently used, would allow criminals and other adversaries to focus on evaluating the particular capabilities of such. With this knowledge it would allow criminals and other adversaries to take steps to counteract them – be it simply adjusting how they interact and present themselves to take advantage of any weaknesses or gaps in capability they identify. At a simple level, if a policing tool doesn't do something, such as search 'X' social media site or was unable to identify 'Y' format of images, and criminals can establish this, they will exploit this position. More sophisticated adversaries may be able to go further and take more proactive measures to undermine the tool and / or its provider, and a specific confirmation allows efforts to be focus accordingly.

This detrimental effect is increased if the request is made to several different law enforcement bodies. In addition to the local criminal fraternity now being better informed, those intent on disrupting policing functions throughout the UK will be able to 'map' where the use of certain tools, ergo tactics, may or may not be deployed. This can be useful information to those committing (or those intent on committing or planning) crime.

Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on both national security and law enforcement.

Public Interest Test

Factors Favoring Confirming or Denying – Section 24

The information, if held, only relates to national security and confirming or denying whether it is held would not actually harm it. The public are entitled to know what public funds are spent on and what measures are in place.

Factors Against Confirming or Denying – Section 24

By confirming or denying whether any information is held would render policing and security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infrastructure of the UK and increase the risk of harm to the public.

Factors Favoring Confirming or Denying – Section 31

Confirming or denying would provide an insight into the Police Service. This would enable the public to have a better understanding of the effectiveness of the police and about

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how the police operate. It would greatly assist in the quality and accuracy of public debate, which could otherwise be steeped in rumor and speculation. Where public funds are being spent, there is a public interest in accountability and justifying the use of public money.

Factors Against Confirming or Denying – Section 31

Confirming or denying that any information is held would have the effect of compromising law enforcement tactics. It has been recorded that Freedom of Information releases are monitored by criminals and terrorists and so to confirm or deny information is held concerning the use or trial of specific products or tools would lead to law enforcement being undermined. The police service is reliant upon all manner of techniques during operations and the public release of any modus operandi employed, if held, would prejudice the ability of the police service to perform the functions it exists to provide.

By confirming or denying it would hinder the prevention or detection of crime. The police service would not wish to reveal what products or tools, i.e. tactics, may or may not have been used as this would clearly undermine the law enforcement and investigative process. This would impact on police resources and more crime and terrorist incidents would be committed, placing individuals at risk. It can be argued that there are significant risks associated with providing information, if held, in relation to any aspect of investigations or of any nation's security arrangements so confirming or denying that information is held, may reveal the relative vulnerability of what we may be trying to protect.

Balance Test

The security of the country is of paramount importance and Wiltshire Police will not divulge whether any information is or is not held regarding business with any company or tool, if to do so would place the safety of an individual at risk, undermine national security or compromise law enforcement.

As much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances. The use of technology can be a sensitive issue that would reveal police tactics and therefore it is our opinion that for these issues the balancing test for confirming or denying whether any information is held is not made out.

However, this should not be taken as necessarily indicating that any information that would meet your request exists or does not exist.

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

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

Yours sincerely,

Nick Penny
Decision Maker

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



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN



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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:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700

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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/>