



Response Date: 21/06/2024

2024/608 - Advanced Undercover Operations

In response to your recent request for information regarding;

1) How many Advanced Undercover Operations were authorised under RIPA 2000 for the year 2022 to 2023.

2) What percentage of the authorised operations related to Murder/manslaughter?

North Wales 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:

Section 24(2) - National security

Section 30(3) - Investigations and proceedings conducted by public authorities

Section 31(3) - Law enforcement

Section 38(2) - Health and safety

Sections 24, 31 and 38 are prejudice based qualified exemptions and any prejudice (harm) that confirming or denying information is held would cause must be articulated as well as the public interest considerations.

Section 30 is a class based qualified exemption and consideration of the public interest must be given as to whether neither confirming nor denying the information exists is the appropriate response.

Harm

Undercover police tactics are, by their very nature, sensitive. They include techniques and controls that will be of great interest to criminals who are trying to develop measures to counter them. This includes identifying and mapping the deployment of undercover officers (UCOs) with the intention of establishing how and when UCOs have been deployed and/or may be deployed in future.

North Wales Police does not disclose which tactics it uses when deploying covert operatives. To do so would render police tactics connected to undercover policing ineffective. The provision of any information about operational tactics linked to undercover policing could also compromise police investigations, adversely affect the ability of the police and others to safeguard national security and/or otherwise, place individuals at risk. North Wales Police accordingly neither confirms nor denies whether any information relevant to this request for information is held.

PUBLIC INTEREST TEST

Factors favouring confirming or denying whether any information is held in respect of all exemptions claimed - Confirming or denying whether information is held in response to this request would provide the general public with information associated with undercover policing. This would reinforce North Wales Police wider commitment to openness and transparency with the general public and facilitate public debate in this area of policing. Furthermore, owing to the inherent link between

transparency and public confidence, confirming or denying whether information is held would be likely to improve the general public's confidence in the force. Over time, an increase in public confidence would be likely to improve public engagement with the police which would in turn, lead to an improvement in the North Wales Police ability to both prevent and detect crime and apprehend and prosecute offenders.

Factors against confirming or denying whether any information is held – Section 24 - The reason that North Wales Police does not confirm or deny whether it holds information that may, if held, be required for the purpose of safeguarding national security, is to ensure that those involved in this area of work are able to take action in an uninhibited way in the interests of maintaining national security. In this case, to confirm or deny whether North Wales Police holds information about operations requiring covert operatives, if held, would be counter intuitive to that purpose. Disclosing information that may be related to safeguarding national security in response to Freedom of Information Act requests, would undermine the ability of North Wales Police and others to operate effectively in conducting this work. There are clear links between confidentiality and success in this area of police work. The overriding public interest remains in maintaining the ability of all parties involved in safeguarding national security, to continue to work in an uninhibited way.

Factors against confirming or denying whether any information is held for Section 30(3) and S31(3) – North Wales Police has a statutory role in investigating criminal offences and deploys a range of tactic to do so. Confirming or denying whether North Wales Police holds information relevant to this request, should the information be held, would compromise police investigations and operational tactics. This would adversely affecting North Wales Police's ability to prevent and detect crime and apprehend and prosecute offenders, contrary to the public interest.

Factors against confirming or denying whether any information is held for Section 38(2) - Confirming or denying whether North Wales Police holds information relevant to this request could, should the information be held, place covert operatives at risk. The provision of any information that could place any person at risk is unlikely to be in the public interest.

Balance Test

This request for information seeks to establish whether North Wales Police holds information relevant to the deployment of UCOs. In determining whether it is appropriate to confirm or deny whether the force holds information relevant to this request, I have conducted a public interest test and have found that confirming or denying whether information is held would reinforce North Wales Police wider commitment to openness and transparency with the general public. This would in turn facilitate public debate in this area of policing. Furthermore, owing to the inherent link between transparency and public confidence, confirming or denying whether information is held would be likely to improve the general public's confidence in the force. Over time, an increase in public confidence would be likely to improve public engagement with the police which would in turn, lead to an improvement in the force's ability to both prevent and detect crime and apprehend and prosecute offenders.

Having considered the reasons why North Wales Police should opt to neither confirm nor deny that information is held, I have found that the provision of any information (whether held or not) about covert policing could compromise police investigations and operational tactics. This could have the effect of adversely affecting our ability to prevent and detect crime and apprehend and prosecute offenders. Furthermore, owing to the inherent risks associated with undercover policing, confirming or deny whether information is held about operational tactics could, if the information is held, place any person engaged in this work at risk. I have attached considerable weight to these interests as the primary role of North Wales Police is to both prevent and detect crime and apprehend those responsible for committing criminal offences.

Having carefully considered your request, I acknowledge that greater transparency is an important aspiration for North Wales Police, however I consider that it is of greater importance for the force to maintain a consistent position when responding to requests for information about covert policing. This position is to neither confirm nor deny the existence of police activity. A consistent approach allows the

force to continue to prevent and detect crime and apprehend and prosecute offenders whilst maintaining the safety of those involved in this area of policing.

For the reasons set out above, I have found that it would be contrary to the public interest to confirm or deny whether information is held in response to your request for information. I have accordingly refused your application.

Therefore, in accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under section 17 (1) of the legislation.

THIS INFORMATION HAS BEEN PROVIDED IN RESPONSE TO A REQUEST
UNDER THE FREEDOM OF INFORMATION ACT 2000, AND IS CORRECT AS AT 20/06/2024