

Date: 21/01/2025
Our ref: 01/FOI/24/013852/V

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 01/FOI/24/013852/V

I write in connection with your request for information dated 19/12/2024, received by Greater Manchester Police (GMP) for the following information:

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

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

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

Result of Searches

Greater Manchester Police neither confirms nor denies that it holds information relevant to this request by virtue of the following exemptions:

Section 30(3) – Investigations

Section 31(3) – Law Enforcement

Section 40(5) – Personal Information

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

Section 31 is prejudice based and qualified which means that there is a requirement to articulate the harm in confirming or not whether information is held as well as carrying out a public interest test.

Section 40 is a class based absolute exemption and there is no requirement to evidence the harm or consider the public interest.

Harm (S30 and S31)

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.

Favouring confirming or denying whether the information is held (S30)

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.

Favouring neither confirming nor denying whether the information is held (S30)

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.

Favouring confirming or denying whether the information is held (S31)

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 regard to its activities.

Favouring neither confirming nor denying whether the information is held (S31)

To confirm or deny that law enforcement holds information on any individual/s in relation to this matter has the potential to damage [force] 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 GMP 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 I have determined that the Public Interest favours the application of the neither confirm nor deny stance in respect of your request.

I consider that the benefit that would result from issuing a confirmation or denial does not outweigh the considerations favouring 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 GMPs 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, I have found the balance test favours neither confirmation or denial and accordingly refuse your application.