

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.uk

XXX – by email

Date: 8th March 2021

Your ref: FOI

Our ref: FOI 2021 / 204

Reply contact name is: Nick Penny

Dear XXX,

I write in connection with your request for information dated 8th March 2021 concerning Female Homicides in Wiltshire during 2020.

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 not obliged to supply the information you have requested.

You wrote:

Please could you provide us with a list of all female victims of homicide killed between 1 January 2020 and 31 December 2020 (inclusive) which your authority has been responsible for investigating and, for each victim:

1. the date of the homicide;
2. the names of the victims and the accused / perpetrator;
3. the age of the victim;
4. the ethnicity/race of the victim;
5. the relationship between the accused and the victim;
6. the sex of the accused / perpetrator;
7. if identified, the way in which the victim was killed;

Also, if possible we would appreciate the following information

8. whether there were any previous reports from the victim (or any third party) regarding the accused / perpetrator; and
9. whether there were any previous reports and / or convictions of any other offences related to violence against women perpetrated by the accused / perpetrator.

However, if you are unable to provide information on points 8 and 9, please provide information on the first seven points only.



INVESTOR IN PEOPLE

Our response:

The information you are requesting in Questions 1-7 is exempt by virtue of Section 21 of the Freedom of Information Act 2000 – Information accessible to applicant by other means.

Wiltshire Police only recorded one incident of female homicide during the time period you have requested. The following link will direct you to a news article in relation to this incident :-

<https://www.salisburyjournal.co.uk/news/18954316.tesco-worker-marcin-zdun-jailed-salisbury-murder-wife-daughter/>

The information you are requesting in Questions 8 and 9 is exempt by virtue of Section 40(2) Personal Information.

Section 40 is an absolute exemption and there is no requirement for Wiltshire Police to articulate the harm or examine the public interest in disclosure. Information that constitutes personal data is exempt under section 40(2) of the Freedom of Information Act if it is about a third party and disclosure to the public would contravene the data protection principles set out in Schedule 1 of the Data Protection Act 1998.

Regardless as to what may already be in the public domain from any unofficial source, our consideration on applying this exemption is subject to whether the disclosure of the information requested would lead to identifying individuals and place information pertaining to them into the public domain by Wiltshire Constabulary. This constitutes personal data which would, if released, be in breach of the rights provided by the Data Protection Act 2018 and General Data Protection Regulations; namely the first data protection principle, which states that personal data will be processed *lawfully, fairly and transparently*.

With regards to releasing any information in respect of any previous reports made by the victim against the perpetrator OR any information regarding other offences of violence against other women by the perpetrator, it is my view that the request runs counter to the three requirements prescribed by law and that there is no lawful basis to provide this information. Furthermore, the question of fairness and transparency is not met either as the data subjects in question would have no expectation that their personal data would be provided to the applicant and processed in this way. This is an absolute exemption and no public interest test is required.

Section 17 of the Freedom of Information Act 2000 requires the Wiltshire Police, when refusing to provide such 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.

The exemption applicable to the information requested is:

Section 21 Information accessible to applicant by other means

Section 40 Personal Information

In accordance with section 17 of the Act, this letter represents a Refusal Notice for this particular request.

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
Disclosure 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
Telephone 101 ext 62005

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.pnn.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 Fol 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
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk