

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

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

XXXXXX – by email

Date: 29th March 2021

Your ref: FOI

Our ref: FOI 2021 / 218

Reply contact name is: Nick Penny

Dear XXXXX,

I write in connection with your request for information dated 11th March 2021 concerning cancelled crimes.

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:

I would like to be provided with the following information relating to cancelled crime, formerly 'no-crimes', as defined in Police Recorded Crime and Outcomes User Guide, p. 19. Please note that there are two parts to my request.

1) From March 2017 to September 2020, please provide me with detailed case files for cancelled crime reports related to the offence sub-group 'rape'.

2) If it does not push this request over the cost limit, and you have easily accessible data relating to this request, from March 2017 to September 2020, please provide me with detailed case files for cancelled crime reports related to 'historic sexual abuse' crime.

When asked to clarify your request you stated that you wanted the details relating to the reason why the case was labelled 'no-crime' and that it would also be helpful to have some information relating to the initial allegation.

Our response:

The information that you are requesting for Q1 of your request is not stored in a way which permits easy retrieval.



Question 1

For the time period you have requested, there have been 231 crimes of Rape where the disposal code of the offence is listed as Cancelled/Transferred.

We do not record these separately in our system(s) under the five categories as defined by C1-C5 in the Police Recorded Crime User Guide nor do we record in a separate searchable field on our system(s) the specific reason why a crime may have been either Cancelled or Transferred.

The ascertaining of the information you require would only be possible by physically reading each and every crime report for each instance of Rape recorded in the time period you have requested to try and determine the specific reason for a cancellation / transfer.

Even allowing a very conservative estimate of 10 minutes per record, under the circumstances I am absolutely confident that to locate, retrieve and extract the information you seek would by far exceed the time obligations upon this authority to comply, and in so doing would exceed the fees limits. This is set at £450 calculated at a flat rate of £25 per hour for those work activities comprising of confirming the information is held, locating it, retrieving it and extracting it.

Question 2

We do not record "Historic Sexual Abuse" as a separate defined category within our systems – it is not a defined Home Office Crime Classification and it would be included within the categories of offences that we do record such as Rape, Other Sexual Offences, Exposure, etc.

Ordinarily under our section 16 duty to provide advice and assistance, we would advise you how to refine your request to a more manageable level. However, due to the difficulties outlined above, I cannot see how this can be achieved in this particular case.

I do need to advise you of the following in respect of this request :-

- a) There is no obligation on an Authority to create information in order to answer an FOI request if that information does not already exist today.
- b) Even if the number of cancelled/transferred crimes involved here were small enough to be supplied within time-cost limits, there is very little information we could provide you under FOI in regards to the Allegation, Rationale for cancellation/transfer anyway – it is highly likely that any response of that nature would be exempt anyway under either S40 Personal Information or S31 Law Enforcement reasons.

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 12: Exemption where cost of compliance exceeds appropriate limit

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

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