

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext. 62005

[www.wiltshire.police.uk](http://www.wiltshire.police.uk)[disclosure@wiltshire.pnn.police.uk](mailto:disclosure@wiltshire.pnn.police.uk)

XXXXXXXXXX

By email

Date: 12<sup>th</sup> April 2021

Your ref: FOI

Our ref: FOI 2021/336

Reply contact name is: Abigail Standidge

Dear XXXXX,

I write in connection with your request for information dated 12<sup>th</sup> April 2021 concerning calls made to a specified third party address.

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 a copy for the amount of times the police have been called to XXXXXXXXXXXX over the past 12 years , I don't need to know what they were called for .I'm trying to collect data/evidence as these are my problematic neighbours and I need to gather as much information as I can to take forward to the local council.along with my already gathered evidence

**Our response:**

Under the Freedom of Information Act 2000 (FOIA), this request is exempt by virtue of the following exemption:

**Section 40(2) - Personal data**

Section 40 is an absolute exemption and therefore there is no requirement to articulate the harm or conduct a Public Interest test.

Information which constitutes personal data is exempt under Section 40(2) of the FOIA if it relates to a third party, and the disclosure to the public would contravene the data protection principles set out in Section 34 of the Data Protection Act 2018 and Article 5 of the GDPR. In this circumstance:-

- Providing the number of calls made to a specified third party address - albeit no further details regarding the circumstances of the calls are being requested - is providing information relating to other individuals; and thus would be exempt by virtue of Section 40 (Personal Data).



INVESTOR IN PEOPLE

To note, where an individual is requesting third party personal data, Wiltshire Police must ensure that any action taken adheres to the principles of the DPA 2018 and the GDPR. To clarify, the FOIA only allows disclosure of personal data if that disclosure would be compliant with the principles for processing personal data. These principles are outlined under Section 34 of the DPA 2018 and under Article 5 of the GDPR.

Section 17 of the Freedom of Information Act 2000 requires the Constabulary, when refusing to provide 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.

Exemptions applied:

Section 40(2) - Personal Information

In accordance with Section 17 of the Act, this letter acts as 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,

Abigail Standidge  
Force 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](mailto: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 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  
Fax: 01625 524 510  
Email: [mail@ico.gsi.gov.uk](mailto: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 to contact them, please visit <https://ico.org.uk/global/contact-us/>