

**Force Disclosure Unit**

Wiltshire Police HQ  
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Wiltshire SN10 2DN  
Telephone: 101  
Extn 62005  
e-mail

[disclosure@wiltshire.police.uk](mailto:disclosure@wiltshire.police.uk)

Date: 19 April 2021

Your ref

Our ref: FOI 2020/721

Reply contact name is: **Lloyd Tilbury**

Dear,

I write in connection with your request for information, dated 6<sup>th</sup> October 2020 concerning CSE Problem Profiles.

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.

Following receipt of your request, research was conducted by the Wiltshire Intelligence Unit of Wiltshire Police.

Your request for information has now been considered and I am not obliged to supply the information you have requested.

**You wrote:**

Please provide a copy of all problem profile assessments produced or commissioned by your police force related to child sexual exploitation in your force area from January 1<sup>st</sup> 2010 to date.

I am happy to limit my request to reports created in the last three years.

To clarify, I am not looking for individual child sexual exploitation crime records but strategic level reports looking into issues at a force wide level, as well as in specific geographies and communities within the force. I am happy to limit the search to records circulated at force HQ level.

**Response:**

Having reviewed your request, the original response and your request for an Internal Review, I believe a different exemption is more appropriate.

Wiltshire Police is unable to answer your request for information, as it is considered to be vexatious under Section 14(1) of the Freedom of Information Act 2000.



Whilst there is no obligation on Wiltshire Police to explain why the request is vexatious, I have decided to provide you with the decision-making thought process used for the application of Section 14, along with some of the Information Commissioner's guidance on its application.

The Freedom of Information Act is a piece of legislation designed to give the public access to information held by public authorities. It exists to make the decisions of those authorities transparent and to keep the public better informed regarding matters that affect them. However, Section 14(1) is designed to protect public authorities by allowing them to refuse any requests that have the potential to cause **a disproportionate or unjustified level of disruption**, irritation or distress.

The leading case law on Section 14(1) Vexatious Requests can be found in the Upper Tribunal Case of **Information Commissioner vs Devon County Council and Dransfield (2012)**, where it defines the purpose of Section 14 as follows;

'Section 14...is concerned with the nature of the request and has the effect of disapplying the citizen's right under Section 1(1)...The purpose of Section 14...must be to protect the resources (in the broadest sense of that word) of the public authority from being squandered on disproportionate use of FOIA...' (Paragraph 10).

The Information Commissioner's guidance on the application of Section 14(1) actually encourages public authorities to consider its use in any case where they believe the request is disproportionate or unjustified. This guidance can be found by following the below link:

<https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

In this particular case you have requested a substantial volume of information from Wiltshire Police, and within the information that you have requested there are concerns that it is likely to contain exempt information.

To review the documents and highlight appropriate redactions would divert staff from the Wiltshire Intelligence Unit and the Force Disclosure Unit away from their core functions for several hours. I am confident that to locate, retrieve and extract the information, as well as to identify the potential harm in disclosure and the application of exemptions once gathered would exceed the time obligations upon this authority to comply, and in doing so would exceed the fees limits.

In addition to the above, I have provided a more detailed reasoning below for why I have deemed your request to be **a burden on the authority and a disproportionate effort**:

Whilst I can confirm that the information is held, the Wiltshire Intelligence Unit have stated that they believe there would be at least nine documents, some of which are 80 plus pages long. Though they confirmed that these could be retrieved, hence why Section 12 no longer applies, due to the need to manually gather, review in full and redact where necessary, which would need input from both the Intelligence Unit and the Force Disclosure Unit, would cause a disproportionate level of disruption and a detrimental impact on the authority (specifically the Intelligence Unit). This is due to the information relating to sensitive intelligence, which would need to be reviewed by a specialist department who have the greater knowledge and understanding of them and the potential issues with disclosure. It would not be appropriate for the Force Disclosure Unit to review, redact and disclose the information without the Intelligence Unit's input, therefore it would be reasonable and expected for them to also review the information and highlight concerns. Due to this, it would essentially mean that two departments would have to review/redact the same documents/information.

The ICO has provided the following guidance in relation to this:

**Requests which would impose a grossly oppressive burden but are not covered by the section 12 cost limits**

69. An authority cannot claim section 12 for the cost and effort associated with considering exemptions or redacting exempt information.

70. Nonetheless, it may apply section 14(1) where it can make a case that the amount of time required to review and prepare the information for disclosure would impose a grossly oppressive burden on the organisation.

The Wiltshire Intelligence Unit have confirmed that they do not have the capacity to review and highlight any potential redactions, as this would take over 18 hours. During the current circumstances, an FOI such as this would put further pressure on a specialised department who have already stated that they do not have the capacity to assist. Once this is combined with the fact that the Force Disclosure Unit would essentially have to review and redact the same documents/information (from an FOI exemption point of view rather than a strategic/intelligence one), the amount of time it would take would effectively be doubled.

Though I understand that your request is clearly not trying to be disruptive or cause annoyance, it would though place a strain on resources and departments within Wiltshire Police and would impact on them delivering their services and core functions. Though again it could be seen that a disclosure would have public interest and value, I think the detrimental impact on the public authority to have capacity to assist outweighs this.

To confirm, this Section 14(1) exemption is based on the need for multiples departments to review and redact from both strategic/intelligence and FOI points of view, which overall would cause a burden on the authority and a disproportionate effort. The ICO have stated that they **consider there to be a high threshold for refusing a request on such grounds**, however as outlined above I believe this has been met.

In reaching this decision, Wiltshire Police has borne in mind that its underlying commitment to transparency and openness may involve absorbing a certain level of disruption and annoyance.

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 14 – Vexatious or repeated requests

Section (1) does not oblige a public authority to comply with a request for information if the request is vexatious.

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

**Lloyd Tilbury**  
**Principal 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 Manager  
Wiltshire Police Headquarters,  
London Road, Devizes,  
Wiltshire,  
SN10 2DN

Email at [disclosure@wiltshire.police.uk](mailto:disclosure@wiltshire.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 Manager 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 Manager 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 you contact them, please visit <https://ico.org.uk/global/contact-us/>**