

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext. 62005

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

XXXXXXXXXX

By email

Date: 5th July 2021

Your ref: FOI

Our ref: FOI 2020/580

Reply contact name is: Abigail Standidge

Dear XXXXX,

I write in connection with your request for information dated 31st July 2020 concerning Wiltshire Police's Force Management Statement. Please accept my deepest apologies for the delay in responding to your request.

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 Demand Team at Wiltshire Police. Your request for information has now been considered and I am able to respond as follows.

You wrote:

Force Management Statement for 2020.

Please send me the full version as submitted to HMICFRS, not an executive summary.

And please send it in searchable PDF format, not a scanned or photocopied version.

Our response:[Please see attached PDF document.](#)

Some of the information relevant to this request is exempt from disclosure by virtue of the following exemptions:

Section 23(1) – Security bodies

Section 24(1) – National security

Section 30(1)(a) – Investigations

Section 31(1)(a)(b) – Law enforcement

Section 43(2) – Commercial interests



Section 23 is an absolute class-based exemption and there is no requirement to consider the public interest in this case. This is to protect any information supplied by, or concerning, certain Security Bodies.

Section 24 is a qualified prejudice-based exemption and therefore requires Wiltshire Police to establish the harm in disclosure, along with the public interest favouring and against disclosure.

Section 30 is a qualified class-based exemption and is therefore subject to a Public Interest test.

Section 31 is a qualified prejudice-based exemption and therefore requires Wiltshire Police to establish the harm in disclosure, along with the public interest favouring and against disclosure.

Section 43 is a qualified exemption and is therefore subject to a Public Interest test.

Public Interest Considerations

Section 24(1) National Security

Harm test

The 'National Security' definition encompasses a wide spectrum and it is the duty of the Police to ensure individuals within the UK are protected. Public safety is of paramount importance to the Police, and to the policing purpose, and this needs to be taken into account when deciding whether a disclosure should be made. Disclosing information pertinent to the operational and tactical capabilities of the Force, i.e. surrounding the locations and shift patterns of those working within Counter-Terrorism and royal protection matters, would allow interested parties to gain an advantage and an awareness of the intricacies used to safeguard National Security.

The threat from terrorism cannot be ignored. Whilst the current UK threat level has been assessed as 'substantial', meaning an attack is likely (<https://www.mi5.gov.uk/threat-levels>), disclosing the locations of those working within Counter-Terrorism and the intricacies regarding royal protection matters would put those individuals, and the Force, at risk.

Factors favouring disclosure

If the Force disclosed this information, it would mean we are being open and transparent with the public, enabling the Force to be held accountable for its actions. This would also ensure the public are better informed so they can take steps to protect themselves.

Disclosure would also provide the public with an idea of how public funds are being spent, which may lead to an open conversation within the community regarding the use of the funding.

Factors against disclosure

Disclosing this information would provide those with a criminal intent a tactical advantage, thus being detrimental to the Force as this would hinder the prevention and detection of crime.

Disclosure of this information would increase the risk of harm to the Royal family members who are being protected and, in other circumstances, the wider public. This would severely compromise the Force's ability to protect this individual(s) and/or the public, as criminals would be able to take steps to avoid detection. Subsequently, this would result in a loss of trust in the Police.

Balancing test

Wiltshire Police are charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The security of the country is of paramount importance and the Force will not divulge any information, if doing so would place the safety of an individual at risk or undermine National Security. Whilst it is acknowledged there is a public interest in the transparency of policing, and the methods used in appropriately and effectively engaging with the threat from those with a criminal intent, this does not outweigh the overriding duty of the Force to ensure public safety is upheld. There is a very strong public interest in safeguarding both National Security and protecting the integrity of the Police, in knowing that policing activity is appropriate and balanced in matters of National Security. This will only be overridden in exceptional circumstances.

Although there is not an imminent threat of an attack, disclosing the locations of those working within Counter-Terrorism and the intricacies regarding royal protection matters would allow offenders to exploit this as a potential weakness or use as a target for an attack.

For the reasons outlined above, the public interest lies in favour of non-disclosure of the information which has been requested.

Section 30(1)(a) Investigation

Factors favouring disclosure

Disclosure of information relating to investigations, whether these are closed or not, would ensure the public are aware that every line of enquiry was taken during the course of the investigatory process. As Police investigations are publicly funded, disclosing this information would demonstrate to the public where this funding has been spent. This would provide better awareness for the public as the Force would be open and transparent with them regarding investigations and the steps taken throughout.

Factors against disclosure

If information were to be disclosed regarding an investigation, more so where this is currently ongoing or is yet to go to Court, this would show the Force as not taking their responsibility seriously in relation to the handling and managing of investigations. If the case is yet to go to Court, disclosure could undermine the right to a fair trial for those involved. Even if the investigation has been closed, putting this information into the public domain may compromise existing or planned investigations; in turn leading victims to be reluctant when it comes to engaging with the Force.

Balance test

Although it is acknowledged there is a public interest in the transparency of policing operations, and in this case investigations, there is a stronger public interest in safeguarding these investigations to ensure Wiltshire Police can appropriately investigate the crime or incident reported. Despite the arguments in favour of disclosing being strong, the arguments against disclosure are stronger. There is an obligation on the Force to ensure investigations are conducted properly, appropriate actions are taken and that justice is correctly administered; including the right to a fair trial. If this information were to be disclosed, it could risk compromising any ongoing or planned investigations.

Therefore, having weighed up the above arguments, it is in the public interest to withhold this information from disclosure.

Section 31(1)(a)(b) Law enforcement

Harm test

Disclosing some of the information contained within the Force Management Statement into the public domain - such as operational planning and tactics; information regarding specific departments in the Force; and the number of resources in different areas of the Force - would undermine the core principles of policing, namely to prevent and detect crime. Disclosure of this information could cause substantial harm to planned policing operations, and all individuals involved i.e. police employees and the community. If Wiltshire Police were to place this information into the public domain, this would prejudice our ability to prevent and detect crime, and to apprehend or prosecute offenders; providing offenders with the information they would need to evade detection, and therefore effecting the Force's ability to protect the community.

Factors favouring disclosure

Disclosing this information would lead to an increase in public awareness of these issues. This in turn may lead to a reduction in crime or more information supplied by the public, and would also allow the public to better protect themselves against crime. Additionally, disclosure would ensure that Wiltshire Police can be held accountable for the actions taken, and show the Force as being as open and transparent with the public as possible.

Factors against disclosure

Disclosure of this information would hinder the prevention and detection of crime, resulting in investigations being compromised, as offenders would be able to gain valuable information that would assist them in evading capture. By offenders evading capture, the public will be put at a greater risk resulting in trust in the Force diminishing and an increase of crime being seen. Additionally, disclosing information sensitive to operations and tactics used would severely impact on the Force's resources, also assisting offenders to evade capture.

Balance test

Whilst there is a public interest in transparency and openness between the Force and the public, in addition to the public seeing how the Force are engaging with the threat from criminals, there is a stronger interest in ensuring the public are protected from the threat of criminals, and that the enforcement of the law and the prevention and detection of crime is upheld. To disclose information which is likely to assist offenders would seriously undermine the effective delivery of operational law enforcement, and is therefore exempt from disclosure.

Section 43(2) Commercial interests

Factors favouring disclosure

Disclosing all of the information contained within the Force Management Statement would ensure that Wiltshire Police are being open and transparent with the public. The disclosure of such information would demonstrate where the public funding is spent and whether these funds have been misspent, if applicable.

Factors against disclosure

Disclosing some of the information contained within the Force Management Statement is likely to damage the relationship between Wiltshire Police and the various service provider(s), and prejudice their commercial interests. Making this disclosure could identify information, which has been specifically obtained through negotiation, between Wiltshire Police and the service provider(s); thus in turn prejudicing Wiltshire Police's position in future negotiations.

Balance test

Despite there being an identifiable public interest in Wiltshire Police being open and transparent, the interests of the Force may be jeopardised if commercially sensitive information regarding

business, financial or contractual issues is disclosed. This would also impact the community, as costs to the Force could be driven up by the lack of competition as a result of companies refusing to do business with Forces that disclose commercially sensitive information; leading to harm being caused between Wiltshire Police and its service providers.

Having weighed up all of the factors outlined above, on balance the argument for disclosing this information is not made out and therefore it is in the public interest to withhold the information requested.

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.

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

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/>