

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.ukDate: 17th December 2021

Your ref: FOI

Our ref: FOI 2021 / 1003

Reply contact name is:

Dear ****,

I write in connection with your request for information dated 30th November concerning all Fleet Vehicles.

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 all of the information you have requested.

You wrote:

Please can you supply me with the following information?

Registration number:

Make:

Model:

of all vehicles currently on your fleet and those sold between 1st March 2019 and 26th November 2021.

Our response:

Please see attached table in the email for the requested data. Please note that Wiltshire Police are unable to confirm the details in relation to any covert vehicles, some unmarked vehicles and tactical marked vehicles (i.e. ARVs) as these are exempt by virtue of the following exemption:

Section 31 – Law Enforcement.

Section 31 is a qualified and prejudice-based exemption and therefore requires Wiltshire Police to establish the harm in disclosure, along with any public interest arguments for and against disclosure. Please see the harm and public interest tests below.



INVESTOR IN PEOPLE

Section 31 Harm and Public Interest Test

Overall harm

In considering whether or not this information should be disclosed, consideration has been given to the potential harm that could be caused by disclosure. Wiltshire Police are charged with enforcing the law, preventing and detecting crime and protecting the communities we serve, and disclosure of any vehicles (past or present) that have been associated with the use of Covert, unmarked and Firearms / Armed Response Teams would give individuals the intelligence required to disrupt Police activity and increase the capability of criminals to offend. If this information were to be disclosed, this could have an adverse effect on the ability of the Force to effectively prevent and detect crime.

To disclose the requested information could go some way to demonstrate operational capability and lead to locations being targeted. This can be a highly contentious and emotive subject and it is important that any disclosure under FOI does nothing to endanger members of the public or our frontline Officers.

Criminals would be able to identify which force areas are less resourced and use this knowledge to their own advantage in furthering criminal activity. Disclosure of information which is likely to undermine the ability of the Police to serve the public in preventing and detecting crime can only be considered as being harmful to the public.

Factors favouring disclosure

Disclosing this information would ensure Wiltshire Police are being open and transparent with the public. This would also ensure that the Force can be held accountable for its actions. Disclosure would also provide the public with an insight into the financial resources of the Force, as we are publicly funded, and how this is being utilised.

Factors against disclosure

If this information were to be disclosed to the public, investigations would be compromised thus hindering the Force's ability to prevent and detect crime. Disclosure of any information relating to vehicles used for Covert purposes or vehicles used by our Firearms and/or Armed Response Group - or indeed any Tactical Special Ops would allow offenders to gain valuable information about the Force's tactical capabilities. Knowing the types of vehicle used, the registrations and the numbers involved would assist them in committing more crime and with this information they would be able to evade capture, putting the greater public at risk and would result in trust in the Force being lost, and an increase of crime being seen.

Balancing test

The Force is charged with enforcing the law, preventing and detecting crime. Whilst there is a strong public interest in transparency between Wiltshire Police and how we engage with the threat from criminals, there is a stronger public interest in safeguarding the public and protecting the Force's ability to effectively prevent and detect crime. Disclosing information which is likely to assist offenders would seriously threaten the effective delivery of operational law enforcement.

The arguments for and against disclosure of this information are both strong, but the stronger of the two lies in favour of non-disclosure. Therefore, Wiltshire Police deems that the harm that would be caused from disclosure of this information would be disproportionate to any public interest held in this case and as a result, the public interest lies in favour of non-disclosure of this information.

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 31(1)(a)(b) Law Enforcement

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,

Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



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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