



Via Email



Force Disclosure Unit

Wiltshire Police HQ
London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext. 62005

www.wiltshire.police.uk

disclosure@wiltshire.police.uk

Date: 5th January 2022

Our ref: FOI 2021/1036

Reply contact name is:

Dear

I write in connection with your request for information dated 16/12/2021 concerning retention of physical material.

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 able to respond as follows.

You wrote:

Q1: Is there a designated length of time for which Wiltshire Police and laboratories you instruct, both internal and external, retain physical material gathered during police investigations in respect of convicted crimes?

Q2: If there is a divergence of policy according to crime type, please provide clarification.

Response

Q1:

Forensic Units rarely know the outcome of a criminal investigation and as such retain materials according to default retention times. The Law Enforcement Authority (LEA) has ultimate responsibility for ensuring that materials from a given case are retained for a period of time appropriate to the outcome of that case and as such should consider the assigned retention time when undertaking their periodic review(s) of that case. LEAs must give due consideration to the requirements of the Criminal Procedure and Investigations Act 1996 to ensure that materials are held for at least the life of any sentence and the requirements of the Data Protection Act (part 3) to ensure that personal data is not kept for any longer than is necessary.

Q2:

The information you are requesting is exempt by virtue of Section 21 of the Freedom of Information Act 2000 – Information accessible to applicant by other means.



The information you seek can be found on the following link:

[NPCC Forensic Retention Guidance v1.0.pdf \(fcn.police.uk\)](https://www.fcn.police.uk/NPCC_Forensic_Retention_Guidance_v1.0.pdf)

(Information in respect of Retention periods can be found at section 11 onwards)

Section 17 of the Freedom of Information Act 2000 requires 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 21 – Information accessible to the applicant by other means

In accordance with section 17 of the Act, this letter represents a partial 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

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.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/>