

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

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

XXXXXXXX

By Email

Date: 20th September 2021

Your ref: FOI

Our ref: FOI 2021/716

Reply contact name is: Abigail Standidge

Dear XXXXX,

I write in connection with your request for information dated 3rd September 2021 concerning electronic devices.

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 South West Forensics on behalf of Wiltshire Police.

Your request for information has now been considered and am not able to respond in full to you.

You wrote:

A previous FOI has already been sent to your force by me in the recent past on this subject. However, I have received suggestions to narrow the request from a number of police forces under section 12 of the Act, and therefore am sending a fresh request to be considered by your force, based on those recommendations. I would be grateful if you could treat this as a separate FOI request from the first.

I would like to request the following information:

1. Please provide the number and a breakdown of digital devices, eg mobile phones/laptops/desktop computers/games consoles/cameras, belonging to victims of crime waiting to be forensically examined by your force as of today's date?
2. Please provide the number of cases to which the aforementioned digital devices relate, which are waiting to be forensically examined as of today's date?
3. Please provide the number of Forensic Digital Examiners currently employed by your force's High Tech Crime Unit or in Kiosk facilities to examine digital devices, eg mobile phones/laptops/desktop computers/games consoles/cameras. Please include any other police officers or staff with titles other than Forensic Digital Examiners who are assigned to this task, and please include other departments other than the High Tech Crime Unit/Kiosk facilities if applicable.



INVESTOR IN PEOPLE

4. Please state the force's target time frame (in days) for digital devices to be examined – Digital Forensics Unit and Digital Hubs only.
5. Please confirm whether the force has met that aforementioned target time frame in each of the past five financial years (including the year to date)?

Our response:

I have considered your request and I am able to provide a partial response to your request. Some of the information relevant to this request is exempt by virtue of Section 31(1)(a)(b) - Law Enforcement.

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.

1. Please provide the number and a breakdown of digital devices, eg mobile phones/laptops/desktop computers/games consoles/cameras, belonging to victims of crime waiting to be forensically examined by your force as of today's date?

Total number of digital devices awaiting forensic examination – 12

The breakdown of these digital devices is exempt from disclosure. Please see below harm and public interest tests.

2. Please provide the number of cases to which the aforementioned digital devices relate, which are waiting to be forensically examined as of today's date?

The number of cases the aforementioned digital devices relate to is exempt from disclosure. Please see below harm and public interest tests.

3. Please provide the number of Forensic Digital Examiners currently employed by your force's High Tech Crime Unit or in Kiosk facilities to examine digital devices, eg mobile phones/laptops/desktop computers/games consoles/cameras. Please include any other police officers or staff with titles other than Forensic Digital Examiners who are assigned to this task, and please include other departments other than the High Tech Crime Unit/Kiosk facilities if applicable.

Total staff employed / assigned to this task in Digital Forensics Unit and Kiosk – 120

4. Please state the force's target time frame (in days) for digital devices to be examined – Digital Forensics Unit and Digital Hubs only.

High Risk – 1 month

Medium Risk – 2 months

Low Risk – 3 months

5. Please confirm whether the force has met that aforementioned target time frame in each of the past five financial years (including the year to date)?

Whether the Force met the aforementioned target times is exempt from disclosure, since this would be supplied as a percentage. Please see below harm and public interest tests.

Harm test

Disclosing information into the public domain - specifically a breakdown of the digital devices awaiting forensic examination, the number of cases these relate to and whether the Force's target times were met - 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

Placing this information into the public domain would lead to an increased public awareness of these issues. This in turn may lead to a reduction in crime or more information being supplied by the public, and would also allow the public to better protect themselves against crime. Disclosure would also 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

Breaking down the digital devices awaiting examination, disclosing the number of cases these relate to and whether the Force's target times were met would hinder the prevention and detection of crime. This would result in investigations being compromised, as offenders would be able to gain valuable information that would assist them in evading capture; i.e. disclosing the target times would allow offenders to establish how well the Force are at meeting these targets, and use this information to their advantage. By offenders evading capture, the public will be put at a greater risk resulting in trust in the Force diminishing and increase of crime being seen. Disclosure of 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 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.

In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice for those aspects of your request.

Exemptions applied:

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

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
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 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 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 to contact them, please visit <https://ico.org.uk/global/contact-us/>