

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

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

XXXXXX – by email

Date: 11th January 2022

Your ref: FOI

Our ref: FOI 2022 / 001

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 31st January 2021 concerning Fatal Road Accidents.

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 the information you have requested.

You wrote:

Under the Freedom of Information Act I am applying for the following information:

- 1) Between 1/4/2016 - 31/3/2019 how many fatal road collisions did your force investigate?
- 2) Of these, how many collisions involved the deceased and the driver/rider knowing each other?
- 3) Between 1/4/2016 - 31/3/2019 how many drivers involved in fatal collisions were prosecuted (charged) with murder under the Homicide Act?

Our response:

The information that you are requesting for the majority of your request (namely questions 2 and 3) is not stored in a way which permits easy retrieval.

Our system(s) do not contain searchable fields where the data you are seeking in Questions 2 and 3 are held.

The only way to ascertain this information would be to locate and read both the individual Crime



INVESTOR IN PEOPLE

Record on our Niche system and also the individual paper case file for each of the Fatal Road Accidents recorded in the 3 year period you have requested.

Whilst the number of Fatal Accidents in this period is not overly large, the task is complicated by the fact that – for the time period you require – all Accidents occurring in Wiltshire were overseen by the Tri-Force Collaboration of Avon & Somerset, Gloucestershire and Wiltshire Police Forces which has since been discontinued.

Whilst the Tri-Force collaboration was in place, the investigations of any accident across each of the 3 participating counties was undertaken by Avon & Somerset Police, whose records are not the easiest to scrutinise as they are held in different formats (both paper and digital).

Even allowing a very generous 30 minutes per case file, I am absolutely confident that to locate, retrieve and extract the information you seek would by far exceed the time obligations upon this authority to comply, and in so doing would exceed the fees limits. This is set at £450 calculated at a flat rate of £25 per hour for those work activities comprising of confirming the information is held, locating it, retrieving it and extracting it.

Although excess cost removes the forces' obligations under the Freedom of Information Act, as a gesture of goodwill I have supplied information, relative to your request, retrieved or available before it was realised that the fees limit would be exceeded. I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request. What I am able to provide you are the answers documented below :-

Question 1

It is not easy to provide a definitive figure for the number of Fatal Accidents that Wiltshire Police have physically identified during the 3 year period you have requested, as some of these investigations were undertaken by Avon & Somerset Police (as part of the Tri-Force collaboration already mentioned) and the balance by Wiltshire Police.

I can however, confirm that for the time period you have requested there were 79 Fatal Accidents on Wiltshire's roads.

Ordinarily under our section 16 duty to provide advice and assistance, we would advise you how to refine your request in respect of questions 2 and 3 to a more manageable level. However, due to the difficulties outlined above, I cannot see how this can be achieved in this particular case.

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 12: Exemption where cost of compliance exceeds appropriate limit

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

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,

Nick Penny
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