



## Force Disclosure Unit

Wiltshire Police HQ

London Road

Devizes

Wiltshire SN10 2DN

Telephone: 101

Extension: 62005

Website: [www.wiltshire.police.uk](http://www.wiltshire.police.uk)

E-mail:

[disclosure@wiltshire.police.uk](mailto:disclosure@wiltshire.police.uk)



XXXXXXXXX

By email

Date: 11 January 2022

Our ref: FOI 2022/004

Reply contact name is Abigail Standidge

Dear XXXXX,

I write in connection with your request for information dated 2<sup>nd</sup> January 2022, concerning cyclist close pass incidents.

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 Justice Traffic department at Wiltshire Police. Your request for information has now been considered and I am not obliged to supply the information you have requested.

### You wrote:

I'm writing to you to make a request under the freedom of information act relating to incidents reported in your region where cyclists have been close passed by a motor vehicle such as those made as part of Operation Snap or similar.

Please could I receive the information broken down by calendar year from 2016 onwards in order to establish trends?

I'd like to know how many close passes involving cyclists have been reported and how many of them were accompanied by supporting video evidence.

I'm also interested in the outcomes of the reports. What are the outcomes and what is their split amongst the reports? E.g., how many reports result in no further action being taken, how many resulted in the driver being written to, how many resulted in the drivers being asked to attend an awareness course, and in how many instances were drivers prosecuted etc.?

Also, in how many of the reports did the cyclist receive a warning or prosecution relating to their part in the incident?

Having submitted many videos to different regions, highlighting what I believed to be obviously dangerous close passes that have resulted in different outcomes, I'd also like to understand how the level of outcome is arrived at and how the consistency of the evidence review is established. For example



INVESTOR IN PEOPLE

- Is there a minimum level of training required for each person reviewing evidence?
- Is it ever acceptable for a vehicle to pass close within 1.5m of a cyclist? If not, how is the proximity assessed from video evidence? If so, how is the speed of pass or risk presented assessed from video evidence?
- What are the documented guidelines/standards that those reviewing the video evidence follow?

Finally, with respect to the changes in the Highway Code concerning a hierarchy of vulnerable road users, will this be acknowledged in your regions budget spend and what will I notice as a cyclist?

### **Our response:**

The information you are requesting is not stored in a way which permits for easy retrieval. To obtain the data required to respond to this request, a manual review of all road traffic collision / road traffic occurrences, created within the requested timeframe, would need to be conducted to determine whether they relate to close pass incidents involving cyclists. This would require manually searching through hundreds, if not thousands, of records.

Under the circumstances 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. Therefore the whole of the request should fall under the exemption of section 12 of the Freedom of Information Act 2000.

Please also note that if one part of the request engages a Section 12 response, the whole request will engage a Section 12 response. The reason being is due to the fact that locating, retrieving and extracting any further information would only add to the already exceeded time obligations.

Ordinarily under our Section 16 obligation to provide advice and assistance we would advise you of a way to refine your request to a more manageable level. Due to the difficulties in obtaining the requested information, as outlined above, I cannot think of a way in which this could be achieved.

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 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.

Please contact me if you would like to discuss the withheld information.

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.police.uk](mailto: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](mailto: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/>**