

**Force Disclosure Unit**

Wiltshire Police HQ
London Road
Devizes
Wiltshire SN10 2DN
Telephone: 101
Extn 62005
e-mail

disclosure@wiltshire.police.uk

Date: 21 January 2022

Your ref

Our ref: FOI 2021/793

Reply contact name is Lloyd Tilbury

Dear,

I write in connection with your request for information, dated 4th October 2021 concerning WhatsApp and Social Media sites.

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 Professional Standards Department of Wiltshire Police.

Your request for information has now been considered and I am not obliged to supply the information you have requested.

You wrote:

For the years 2018, 2019, 2020 and available information for 2021, I would like to be provided with the following information:

1) Please indicate the number of police officers that were disciplined for their conduct on WhatsApp and/or other social media sites.

- (a) For each disciplined police officer, please describe briefly what happened.
- (b) If the police officer was writing offensive messages/posts, please disclose copies of these messages/posts.
- (c) If the police officer was sharing offensive posts, please disclose copies of these posts.

2) Please indicate the number of police officers that were dismissed for their conduct on WhatsApp and/or other social media sites.

- (a) For each dismissed police officer, please describe briefly what happened.
- (b) If the police officer was writing offensive messages/posts, please disclose copies of these messages/posts.
- (c) If the police officer was sharing offensive posts, please disclose copies of these posts.

I would like to request an internal review.



INVESTOR IN PEOPLE

Response:

On reviewing your original request, the response provided to you and your request for an Internal Review, I believe that another exemption (Section 12), should have been applied to the whole of your Freedom of Information request.

In the original Freedom of Information response Questions One (A) and Two were answered in full with the information provided, whilst Questions One (B and C) were exempt by virtue of Section 40(2) – Personal Information. Because of this, initially on receiving your Internal Review only Questions One (B and C) were going to be reviewed. However, on liaising with the Professional Standards Department (PSD) regarding this, it became apparent that the whole of your request should have been exempt by virtue of Section 12(2) – Cost if compliance exceeds appropriate limit.

The Professional Standards Department confirmed that there could be other investigations that have not been located, for example minor breaches which would have been dealt with by Line-Managers and are not held on PSD systems, therefore these would not have been included in the previous response. Therefore, to even be able to confirm whether any further data is held not captured by the previous response, it would mean having to contact every member of Wiltshire Police, whether Line Manager or member of staff, to confirm whether they had either provided feedback or been given feedback regarding conduct on WhatsApp and/or social media sites.

Although Section 1(1)(a) of the Freedom of Information Act obligates Wiltshire Police to confirm or deny whether the information requested is held, due to the above reasons to establish whether this information is even held in itself exceeds the appropriate limit (18 hours), therefore Section 12(2) is engaged.

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

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

In accordance with section 17 of the Act, this letter represents a Refusal Notice for this 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

Lloyd Tilbury
Principal Decision Maker

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



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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 Manager
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 Manager 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 Manager 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/>