

**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: 7th October 2021

Your ref: FOI

Our ref: FOI 2021 / 793

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 4th October 2021 concerning Officers disciplined for their conduct on 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.

Your request for information has now been considered and I am not obliged to supply all of 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.



INVESTOR IN PEOPLE

Our response:

Whilst Wiltshire Police can confirm that the information you are requesting for Questions 1b and 1c is indeed held, it is exempt by virtue of the following exemption:

Section 40(2) – Personal Information

Section 40 is an absolute exemption and there is no requirement for Wiltshire Police to articulate the harm or examine the public interest in disclosure. Information that constitutes personal data is exempt under section 40(2) of the Freedom of Information Act if it is about a third party and disclosure to the public would contravene the data protection principles set out in Schedule 1 of the Data Protection Act 1998.

Regardless as to what may already be in the public domain from any unofficial source, our consideration on applying this exemption is subject to whether the disclosure of the information requested would lead to identifying individuals and placing any information pertaining to them into the public domain by Wiltshire Constabulary. This constitutes personal data which would, if released, be in breach of the rights provided by the Data Protection Act 2018 and General Data Protection Regulations; namely the first data protection principle, which states that personal data will be processed *lawfully, fairly and transparently*.

It needs to be noted that where an individual is requesting third party personal data Wiltshire Police must ensure that any action taken adheres to the principles of the Data Protection Act 2018 and the GDPR. To clarify, the Freedom of Information Act only allows disclosure of personal data if that disclosure would be compliant with the principles for processing personal data. These principles are outlined under Section 34 of the DPA 2018 and under Article 5 of the GDPR.

It is my view that the request runs counter to the three requirements prescribed by law and that there is no lawful basis to provide this information. Furthermore, the question of fairness and transparency is not met either as the data subjects in question would have no expectation that their personal data would be provided to the applicant and processed in this way. This is an absolute exemption and no public interest test is required.

With regards to the remainder of your request, please find below details of the information you require :

Question 1

The number of Police Officers that were disciplined by year for their conduct on WhatsApp and other social media sites have been as follows :-

2018	5
2019	0
2020	0
2021 (to date)	2

Details of each case are as follows :-

2018

Case A – WhatsApp – Inappropriate content of team WhatsApp group, other users were offended. Management Action issued to 4 of the 5 officers.

Case B – WhatsApp – Inappropriate image. Police Officer was ethically Interview initially; Management Action followed.
Case C – Facebook – Inappropriate content and image, Police Officer received Management Action.
Case D – Facebook – inappropriate comments, Police Officer received Management Action.
Case E – Facebook – inappropriate comments, Police Officer received Management Action.

2021

Case F - Facebook – Inappropriate content, Police Officer received Management Action.
Case G - Facebook – Inappropriate content, Police Officer received Management Action.

Question 2

There have been no Police Officers dismissed in any of the 4 years 2018-2021 to date for their conduct on WhatsApp and other social media sites.

Please Note

Wiltshire Police has a robust social media policy and as such, numbers of social media investigations are low.

I have to rely on the accuracy of the Centurion Case Management system and as such, it is possible there may be other investigations that I have not located. It is not possible to search under 'Social Media', instead breaches of the Standards of Professional Behaviour of this nature are recorded under 'Orders and Instructions' (not following force policies).

Further to this, it is likely other minor breaches have been dealt with by local managers in line with the Reflective Practice Review Process.

Wiltshire Police continues to reinforce the need to only use social media for personal use and not to put anything on public systems linking them to working for the Police Service, and to only put things on that are appropriate in nature.

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 40(2): Personal Information

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 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