

**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 E mail

Date: 18th October 2021

Your ref: FOI

Our ref: FOI 2021 / 801

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 7th October 2021 concerning Digital Forensics.

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 – having consulted our South West Regional Forensics Unit - I am able to reply as follows.

You wrote (and Our Response) :

Within the NPCC's Digital Forensic Science Strategy 2020, the Transforming Forensics Programme identified a backlog of digital evidence examination as the first challenge that the field faces in recent years.

- 1) How many pieces of digital evidence are currently awaiting examination and how long would you estimate the backlog to be cleared?
- 2) Of the 3 core challenges outlined within this strategy (Volume of devices, Complexity of investigations and the Legitimacy of evidence) does your force consider the volume of devices for examination the most significant factor in the establishment of evidence backlog?
- 3) Alternatively do other factors such as staff shortages, labour costs and training deficits play a more significant role?
- 4) What impact has a backlog had on investigation and what measures are being taken to prevent a backlog from impacting prosecution rates?



INVESTOR IN PEOPLE

Our Response

The information that you are requesting for Question 4 of your request is not stored in a way which permits easy retrieval.

To determine the information you require it would be necessary to access and read each and every crime log to try and determine whether or not the investigation of a particular crime was adversely affected by any perceived delays in the Forensic examination process.

Given the number of cases involved, this would be a very time-consuming process and it would be a matter of conjecture (anyway) if such a delay was deemed the cause of delays in any investigation process or indeed any failed prosecution for that matter.

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.

Please Note

- It needs to be noted that there is no obligation on an Authority to create data where none exists today, simply to answer an FOI request.
- In addition there is also no obligation on an Authority to provide an opinion, which effectively question 4 of your request effectively asks us to do.

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

The total queue of work is 121 exhibits. 61% of these exhibits are within our SLA. Therefore, 58 exhibits would be deemed as within a "backlog". Determining when an exhibit will be examined is complicated due to high risk cases being completed immediately. It is therefore only possible to state the current "backlog" shows cases exceeding SLA by 19 weeks.

We cannot provide an estimate as to when current backlogs are expected to be cleared.

Question 2

This is not limited to the factors listed but plays a part in the demands.

We are seeing an ever increasing volume of devices being submitted to DFU's to examine as technology becomes more integrated into everyday lives. The evidential opportunities are continually increasing and play a vital part in proving, disproving and witnessing illegal activities and events before, during and after an incident.

Question 3

Recruitment and training have not played a significant challenge from our experience in the South West.

We do however experience increased turnover of staff who move into private industry fulfilling similar roles in digital forensic and cyber security roles.

In the South West, a significant factor is the remuneration within the public sector in comparison to private industry.

Ordinarily under our section 16 duty to provide advice and assistance, we would advise you how to refine your request in respect of question 4 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 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