

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.police.ukDate: 29th October 2021

Your Ref: FOI

Our Ref: FOI 2021/811

Reply contact name is: Kay Moore

Dear,

I write in connection with your request for information dated 9th October 2021 concerning Radox Testing Services and Trimega Laboratories.

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:

I am writing to request information regarding the case of Radox Testing Services and Trimega Laboratories, and the consequences of the discovery that tests performed by these companies may have been flawed.

I understand that Radox provided each force with a list of cases that could have been affected.

I would please like to know:

1. How many cases were on this list?
2. After the cases were reviewed by the force, how many were deemed to have been affected by issues around the forensic data?
3. If possible, please provide details of the crimes charged for the cases deemed to have been affected, e.g. how many: a. Murder, b. Manslaughter, c. rape, etc.

Our response:

The information that you are requesting (namely question 2) is not stored in a way which permits easy retrieval.

In order to ascertain this information, this would involve individually reviewing all cases as there is no central record of the outcomes. This is because all cases were dealt with individually and were



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potentially affected in different ways, and the management of these cases have been complex over a 3-4 year period. As a result of this, in order to obtain the information you require for question 2, this would take us well over the allocated time frame we have to complete your request within and is therefore, exempt from disclosure.

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.

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 –

- 1.) The original Radox list that came out in late 2017/early 2018 showed Wiltshire Police having 16 potential cases.*

Ordinarily under our section 16 duty to provide advice and assistance, we would advise you how to refine your request in respect of question 3, to a more manageable level. In relation to question 3, the following link to the NPCC article details that all cases were for road traffic offences: <https://news.npcc.police.uk/releases/national-operation-to-retest-manipulated-forensic-samples-continues>. However, please note that the heading of the investigation against which it was tested may not be accurate as the forensic test in question, may have been for a separate purpose and not related to the primary offence, and therefore, this data could be misconstrued.

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,

Kay Moore
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.

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