

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.ukDate: 22nd November 2021

Your ref: FOI

Our ref: FOI 2021 / 936

Reply contact name is:

Dear ****,

I write in connection with your request for information dated 9th November 2021 concerning Social media providers.

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:

1. How many times has the force made a request to access a user's data on a social media platform for the calendar years 2019, 2020 and 2021 to the present date (9/11/2021)?

Please provide a breakdown by:

i) Year

ii) To which social media company the request was made

iii) Details of the crime for which the request was made, as you record it in any database relating to this request e.g. by Home Office code or descriptive category e.g. sexual offences, child abuse, etc.

iv) The outcome

For example, this information could be presented in a table as follows:

Year	Social media company	Type of crime	Outcome
2019	Facebook	Code 4/7 OR harm to child	Rejected

2. Please could you provide a copy of the guidance or policy issued to police officers as to what data they are able to request from social media companies and when this power can be used.



INVESTOR IN PEOPLE

Please note: by “data”, I refer to - but not limited to - anything from details of the subscriber to a particular account; to content of any messages/photos/social media posts etc, to IP Login history and geolocation (the geographical location of an object, such as a mobile phone). For more guidance on this and common social media platforms for which police may request data (Facebook/Messenger, WhatsApp, Twitter, Snapchat, Instagram, Tik Tok, YouTube). Please see the definition provided by the CPS for guidance. <https://www.cps.gov.uk/legal-guidance/social-media-reasonable-lines-enquiry>.

Our response:

The information that you are requesting is not stored in a way which permits easy retrieval. Wiltshire Police currently do not have the capability within our systems to carry out a search that will provide the information required.

The only possible way of asserting this information would entail opening each application and manually transposing the information onto a spreadsheet. I have been advised that in 2019 alone we applied for 319 sets of data from social media companies and this has increased year on year. In 2020 this number increases to 427.

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.

Under our section 16 duty to provide advice and assistance, we would advise you how to refine your request to a more manageable level. However, due to the difficulties outlined above, I cannot see how this can be achieved in this particular case. Although, in relation to question 2, I have been advised to refer you to view the Investigatory Powers Act 2016 and the associated Code of Practice concerning Telecommunications.

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,

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 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