

**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: 1st June 2022

Your ref: FOI

Our ref: FOI 2022 / 334

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 9th April 2022 concerning the policing of hunting and hunt protest activity.

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 Force Operations Team - I am now able to respond as follows.

You wrote

Please, can you confirm:

1. Whether there is any current operation related to the policing of hunting and to hunt protest activity in Wiltshire?
2. If such an operation exists, when did it begin, what name does it operate under and what is its remit?
3. Whether Wiltshire Constabulary has entered into any memorandum of understanding (MOU) or written agreement with any landowners or hunt organisers?
4. If such an MOU or agreement exists, whether Wiltshire Constabulary can provide a copy?



INVESTOR IN PEOPLE

Our Response

Wiltshire Police can neither confirm nor deny that information is held relevant to your request as the duty in Section(1)(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

- 30 (3) Investigations
- 31 (3) Law Enforcement
- 40 (5) Personal information

Sections 30 and 31 are qualified exemptions and as such there is a requirement to articulate the harm and conduct a public interest test in regards to confirmation or denial.

Section 40 is a class based absolute exemption and therefore there is no requirement to consider the public interest in this case.

Overall Harm

In considering whether or not Wiltshire Police confirm they hold the information requested I have considered the potential harm that could be caused by such a disclosure.

A Freedom of Information Act request is not a private transaction. Both the request itself, and any information disclosed, are considered suitable for open publication. This is because, under the Act, any information disclosed is released into the wider public domain, effectively to the world, not just to an individual. Whilst not questioning the motives of the applicant by confirming information is held in relation to this request could allow those who seek to cause harm to disrupt such an event as it would by a process of elimination, enable individuals to identify if specific people or groups have or have not been subject of a police investigation or operation, leading to an increase of harm to either the investigation or operation itself or the subject(s) of it.

To confirm or deny that the requested information is held or provide details relating to any operation may be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public. Therefore, confirmation or denial that information is held would compromise Wiltshire Police's ability to accomplish its core function of law enforcement.

Modern-day policing is intelligence led and information of the kind you are requesting, if held, needs to be treated with extreme sensitivity as it could have a detrimental effect on the operational effectiveness of Wiltshire Police. There are significant risks associated with the confirmation of such information in relation to any aspects of on-going investigations or potential operations, as to provide such details would reveal which incidents or events have been of interest to the police, which would provide criminals of today with an insight into how the police operate, and people who wish to harm the citizens of Wiltshire with the opportunity of disrupting both future events of this type and also police activity. This could be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

Whilst I fully acknowledge that there is a public interest in confirmation or denial, I believe that the greater risks to police investigations and law enforcement prevent the information requested, if even held, from being disclosed.

Public Interest Test

Factors favouring confirmation or denial for Section 30

To confirm or deny information is held would provide an insight into the police service and enable the public to have better understanding of the effectiveness of the police. To disclose whether information was or was not held would enhance the transparency and accountability of Wiltshire Police; particularly in relation to the spending of public money and decisions taken by its employees. This may also enhance public confidence in the police.

Factors against confirmation or denial for Section 30

By confirming or denying whether there is a current operation within Wiltshire Police related to the policing of hunting and or hunt protest activity OR the existence of any MOU's or agreements you describe would hinder the prevention and detection of crime.

It would also indicate whether or not there was planning in place or intelligence known to police which warranted proactive policing measures at future hunts. Wiltshire Police would not wish to reveal about who, what and when intelligence is recorded as this would clearly undermine both law enforcement and the investigative process. This would impact on police resources and more criminal incidents would be committed, placing individuals at risk.

To confirm or deny the existence of such information would enable those engaged in criminal activity to identify the focus of policing activity and any tactics that may or may not be deployed. This could be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

Factors favouring confirmation or denial for S31

Disclosure of the requested information, if held, would reassure the public that investigations and operations are conducted robustly to ensure their health, safety and welfare. Better public awareness may lead to more information from them, giving the public more trust with the Police Service.

Factors against confirmation or denial for S31

Wiltshire Police has a duty of care to the community at large and public safety is of paramount importance. If an FOI disclosure revealed information to the world (by citing an exemption or stating no information held) that would assist an offender and undermine the ability of the Force in providing robust and reliable law enforcement, in addition to highlighting any vulnerabilities of the Force.

Having knowledge in the public domain with regards to either any current operation in place related to either the policing of hunt activity or hunt protest activity OR the existence of any MOU's or agreements you describe significantly increases the risk of criminal activity - both from illegal hunters as well as hunt saboteurs at future hunts, as it would allow relevant groups and individuals to deduce the police response(s) they would expect to see at these events, increasing the risk of crime at such events and thus undermining operational law enforcement.

Such information, were it to be in the public domain would be invaluable to criminals in forging plans to facilitate illegal activity and evade detection and it could be used in conjunction with other information already in the public domain (or known to specific groups) to identify where a police presence was more or less likely to occur, therefore undermining operations.

By its very nature, by confirming or denying this information is held would undermine the effective delivery of operational law enforcement. Under FOI there is a requirement to comply with Section 1(1)(a) and confirm what information is held. However, in some cases it is that confirmation, or not, which could disclose facts harmful to members of the public, police officers, other law enforcement agencies and their employees.

Overall Balance Test

Wiltshire Police will not divulge whether information is or is not held if to do so would undermine an operation or investigation and therefore compromise law enforcement or place the safety of an individual at risk. Whilst there is a public interest in the transparency of policing and providing assurance that the police service is appropriately and effectively managing the threat from criminal activity that could be posed by certain individuals or groups, there is a very strong public interest in safeguarding the integrity of both police investigations and law enforcement.

As much as there is public interest in knowing that policing activity is appropriate and balanced in matters of investigations and operations this will only be overridden in exceptional circumstances. To confirm or deny the existence of any of the information that you have requested, if held, into the public domain could enable criminals to identify the focus of policing activity and evade prosecution. Any disclosure of information, if held, which harms the law enforcement functions of Wiltshire Police by hindering the detection and prevention of crime cannot be in the public interest.

The public interest is not what interests the public but what will be of greater good, if released, to the community as a whole. The final decision to neither confirm nor deny whether information you have requested is held, is therefore based on what is in the public interest and not what is of interest to the public.

Therefore, at this moment in time, it is our opinion that for these issues the balance test for confirming, nor denying, that information is held with regard to your questions is made out. No inference can be taken from this refusal that information does or does not exist.

Section 17 of the Freedom of Information Act 2009 requires Wiltshire Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

a) states the fact b) specifies the exemptions(s) in question c) states (if not otherwise apparent) why the exemption applies

The exemptions are as follows.

- 30(3) Investigations
- 31(3) Law Enforcement
- 40 (5) Personal Information

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.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