



Force Disclosure Unit

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.uk

disclosure@wiltshire.pnn.police.uk

XXXXXX – by E mail

Date: 14th June 2022

Your ref: FOI

Our ref: FOI 2022 / 451

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 24th May 2022 concerning Malicious Communications.

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 Business Performance Team - I am now able to respond as follows.

You wrote:

I am requesting information on police activity related to Section 127 of the Communications Act 2003. Please can you provide a count per calendar year for your police force of:

1. The number of arrests
2. The number of charges
3. The number of suspects released on bail or without charge

which have been carried out under The Act.

I would like this data from 2003-date, with breakdowns of offence types according to their CJS code, and ideally in .csv or Excel format.

I would also like the same figures, for the same period (that is, arrests, charges, and suspects released on bail or without charge) for 8/72 offences under the Malicious Communications Act 1988: *Offence of sending letters etc. with intent to cause distress or anxiety*, which have involved **electronic** communications. If your force does not record whether these offences involved electronic communications, please send the full data instead.



INVESTOR IN PEOPLE

Our response:

Due to limitations in our crime recording system, we currently do not have an effective way of reporting individuals that are currently on bail or who have historically been on bail or released without charge.

Our IT developers are aware of this and plans are in place in order to make the necessary system changes to correct these errors going forwards, but we have no estimated timescale for when this will be completed.

Therefore, when it comes to questions around individuals bailed and/or released without charge, our response to this part of your request is – **No Information Held**.

The remainder of the information you require has been provided in the attached excel spreadsheet.

Please Note :-

- Activity under Section 127 of the Communications Act 2003 is recorded under Home Office Code 196/7. It needs to be noted that these are non-notifiable offences – ie they are incidents rather than crimes and are formally recorded under the category of “non-crime incidents” on our systems. As a consequence, there is no information to be provided for these incidents as nobody has been arrested or charged for these incidents.
- Offences under Code 8/72 Malicious Communications (Sending letters etc with intent to cause distress or anxiety) was not a notifiable offence under 2015, so there is no information to be provided for earlier years.
- Our Force does not record any distinction between 8/72 offences that have been electronic in nature or otherwise. Therefore, we have provided details for ALL offences under this code – both electronic and non-electronic as you requested.

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 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