

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext. 62005

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Date: 24 June 2022

Our ref: FOI 2022/334

Reply contact name is: Lloyd Tilbury

Dear,

I write in connection with your request for information dated 9th April 2022 concerning hunts.

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 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?

I am requesting an internal review, with particular focus on the public interest test, which I think has overlooked some important points in favour of disclosure.

In factors against confirmation or denial for Section 30 you state "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". And in factors against confirmation or denial for Section 31 you state that groups could "identify where a police presence was more or less likely to occur". However, it is understood that there is an intelligence led approach to policing and it would be expected proactive policing measures were put in place anyway. Nothing detrimental can be gained from the public knowing if there is an operation or not.



The disclosure of an operation shows that the police are budgeting to tackle a certain area of crime. The public have the right to know how public funds are spent. When an operation began and how long it has run for, shows when the police started to tackle a certain issue. This can be compared to other political and social event, to gain a greater view of societal change. I believe this far out ways out any risk to disclosure.

It is already in the public domain that operations regarding hunting exist, for example, Operation Blackthorn – Leicestershire Police, Operation Trek – Derbyshire Constabulary, Operation Yarder – North Wales Police, and Operation Swiftness – Cheshire Constabulary. I am not inferring that there is a precedent. Although with other force's operations revealed and an increasing interest in issues surrounding hunting there is a greater need for transparency and for a public authority consider the circumstances at the time at which it deals with the request.

The ICO state in Investigations and proceedings (section 30) 20130530, "where the same or similar information is already known, it is more difficult to argue that there could be any great harm in releasing the disputed information"

Please review this decision, as I believe the exemption has been applied wrongly. Note that I am asking for information which does not allow for the identification of a specific individual. There is more information about this in the ICO guidance on section 40 exemptions

Response:

On reviewing your original Freedom of Information request, the response provided to you and your request for an Internal Review, I uphold the original response provided to you.

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:

Section 30(3) – Investigations and Proceedings

Section 31(3) – Law Enforcement

Section 40(5) – Personal Information

Overall Harm in complying with Section 1(1)(a) – To confirm or not whether information is held

Any release under the Freedom of Information Act is a disclosure to the world, not just to the individual making the request. To confirm or not that information is held pertinent to this request would reveal operational information which would undermine Wiltshire Police's investigative and law enforcement capabilities. Furthermore, specifically for Questions Three and Four, it would reveal personal information.

By confirming or denying that information is held in regards to this request could allow those who are looking to cause disruption to be able to identify whether a specific force is or is not running an operation in relation to hunting/hunt protests as well as whether or not there are any MOUs with landowners/hunt organisers. This would allow them to 'map' which forces have operations and identify any which do not, therefore being able to target specific areas. This would have a detrimental effect on a force's law enforcement ability in providing an effective and efficient service, by maintaining order, preventing and detecting crime and protecting the communities they serve. Moreover, confirming or denying any information is held would also negatively impact any investigations that may or may not be ongoing.

Public Interest Test

Section 30(3) – Investigations

Factors favouring complying with Section 1(1)(a)

It cannot be denied that there is a large public interest in the policing of hunts, especially in a force such as Wiltshire. Confirming or denying whether information exists relevant to this request would lead to a better-informed general public and promote public trust in providing transparency and demonstrating openness and accountability. This, in turn, may enhance public confidence within the police service.

Factors against complying with Section 1(1)(a)

Confirmation or denial that any information is held would hinder Wiltshire Police's investigative ability. To clarify, by confirming or denying whether any information is held would demonstrate to the world, not just the requester, whether Wiltshire Police is running an operation in relation to hunts/hunt protests, which would allow criminals and those intent on committing offences to be able to identify whether we are focusing our efforts on a specific area and the tactics and resources being deployed, allowing them to be able to counter them or focus somewhere else. This would cause any investigations or future investigations to be impacted and would put Wiltshire Police's ability to prevent and detect crime, bring offenders to justice and protect the public we serve into jeopardy.

Section 31 – Law Enforcement

Factors favouring complying with Section 1(1)(a)

The public are entitled to know how public funds are spent and resources distributed within an area of policing, especially in relation to a topic which has a large public interest. Transparency would highlight how the police effectively monitor and deliver operational law enforcement in regards to this.

Factors against complying with Section 1(1)(a)

Confirming whether or not Wiltshire Police has any current operations in regards to hunts or hunt protests would suggest that Wiltshire Police do not take their responsibility to safeguard law enforcement information seriously and appropriately. By neither confirming or denying any information is held ensures the effective delivery of operational law enforcement.

In addition, Wiltshire Police has a duty of care to the community at large and public safety is of paramount importance. If a Freedom of Information disclosure revealed information, by citing an exemption or stating no information held, that would assist criminals or those intent on causing disruption and harm and therefore undermine our law enforcement ability and our ability to protect and safeguard the public, then this should be avoided. Confirming or denying that this information is held would increase the risk of offences being carried out, as potential offenders would be able to determine whether or not the force is focusing any efforts on this area and by knowing this, could either target these areas or move to different areas to carry out offences as they would be aware of where law enforcement is being targeted. Furthermore, it would increase their ability to avoid detection, therefore allowing them to carry out more offences.

Balance Test

The points above highlight the merits of confirming or denying that information pertinent to this request exists. The Police Service relies heavily on their ability to investigate as well as their law enforcement capabilities. The public has an expectation that Wiltshire Police will treat information

with confidence and anything which places that confidence at risk, no matter how generic, would undermine any trust or confidence individuals have in the Police Service.

Whilst it cannot be denied that there is a public interest in the transparency or policing in regards to this topic, there is a larger public interest in safeguarding and maintaining Wiltshire Police's ability to investigate offences and deliver effective law enforcement. In addition, the effective delivery of operational law enforcement takes priority and is at the forefront of Wiltshire Police to ensure the prevention and detection of crime is carried out and the effective apprehension and prosecution of offenders is maintained.

Therefore, at this moment in time, it is our opinion that for these issues the balance test for confirming or denying that information is held is not made out.

No inference can be taken from this refusal that information does or does not exist.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Lloyd Tilbury
Principal 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

Please note that the ICO's offices will be closed for the foreseeable future and are therefore unable to receive correspondence via post.

If you should wish you contact them, please visit <https://ico.org.uk/global/contact-us/>