



XXXXXXXXXX
By email



Force Disclosure Unit
Wiltshire Police HQ
London Road
Devizes
Wiltshire
SN10 2DN
Tel 101 ext. 62005

Website: www.wiltshire.police.uk
Email: disclosure@wiltshire.police.uk

Date: 20th July 2022

Our ref: FOI 2022/513

Reply contact name is: Abigail Standidge

Dear XXXXX,

I write in connection with your request for information dated 19th June 2022, concerning misuse or incorrect use of Body Worn Video (BWV). Please accept my apologies for the delay in providing a response to your request.

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.

Following receipt of your request, research was conducted by the Professional Standards Department at Wiltshire Police. Your request for information has now been considered and I am not obliged to supply the information you have requested.

You wrote:

Under the Freedom of Information Act, please can you provide me with the following:

1. All records of mis-use or incorrect use of body worn video over the last four years (from January 1st 2018 to the date this response is answered), providing the year of the incident and a description of the mis-use (e.g. the camera was turned off by an officer). If the force does not collect these records, please state why it does not scrutinise use of this policing tool.
2. All records of any known complaints made about mis-use or incorrect use of body worn video over the last four years (from January 1st 2018 to the date this response is answered), providing the year of the incident, description and complaint (e.g. video turned off or video not turned on).
3. All records of all misconduct cases against officers for mis-use or incorrect use of body worn video over the last four years (from January 1st 2018 to the date this response is answered), providing the year of the incident, description of the mis-use and reason for misconduct, and misconduct outcome and investigatory body (e.g. management advice by PSD).

Our response:

Section 1(1)(a) of the Freedom of Information Act 2000 (FOIA) requires Wiltshire Police to confirm or deny whether the requested information is held. To establish whether the information is held - namely establishing whether a complaint related to the misuse / incorrect use of BWV - would in itself exceed the time obligations placed upon the authority to comply (18 hours) and therefore engages section 12(2). It is estimated manually reviewing each complaint since 1st January 2018 would take 5 minutes per record, totalling approx 21000 minutes to review all complaints (to date).



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. Therefore the whole of the request should fall under the exemption of section 12 of the Freedom of Information Act 2000.

Please also note that if one part of the request engages a Section 12 response, the whole request will engage a Section 12 response. The reason being is due to the fact that locating, retrieving and extracting any further information would only add to the already exceeded time obligations.

Ordinarily under our Section 16 obligation to provide advice and assistance we would advise you of a way to refine your request to a more manageable level. Due to the difficulties in obtaining the requested information, as outlined above, I cannot think of a way in which this could be achieved.

Please Note: Going forward, our Professional Standards Department plan to implement a “tag” on their database to highlight whether a complaint relates to BWV. As such, these records should be more easily retrievable in the future.

Section 17 of the Freedom of Information Act 2000 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 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.

Please contact me if you would like to discuss the withheld information.

Yours sincerely

Abigail Standidge
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 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 to contact them, please visit <https://ico.org.uk/global/contact-us/>