



WILTSHIRE POLICE

XXXXXXXXX
By email

**Force Disclosure Unit
Police Headquarters**
London Road
DEVIZES
Wiltshire
SN10 2DN

Date 11th August 2022

Our Ref FOI 2022/518

Dear XXXXX,

I write in connection with your request for information dated 20th June 2022 concerning correspondence regarding demolition work on Bowerhill Industrial Estate. Please accept my apologies for the delay in providing a response to your request.

Following receipt of your request, it was determined this may fall under the Environmental Information Regulations rather than the Freedom of Information Act 2000. However, for ease, the reference remained 'FOI 2022/518' as this was communicated to other departments assisting.

I am required by the Environmental Information Regulations 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:

Details of all correspondence with Natural England and M&M Demolition with regard to the ongoing demolition work on Bowerhill Industrial Estate, Melksham. With regard in particular to the nesting herring gull and lesser black-backed gull on site prior to the completion of the demolition work in June 2022.

Our response:

Please see PDF attachment on response email of emails sent from Wiltshire Police to Natural England.

Please be aware, redactions have been made on some of the documents by virtue of Regulation 13(1) of the Environmental Information Regulations (EIR). This exception prohibits the disclosure of third party personal data.

Regulation 13(1) of EIR states:-

To the extent that the information requested includes personal data of which the applicant is not the data subject, a public authority must not disclose the personal data if-

(a) the first condition is satisfied, or

(b) the second or third condition is satisfied and, in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing it.

The first condition is laid out in Regulation 13(2):-

The first condition is that the disclosure of the information to a member of the public otherwise than under these Regulations-

(a) would contravene any of the data protection principles, or

(b) would do so if the exemptions in section 24(1) of the DPA 2018 (manual unstructured data held by public authorities) were disregarded.

Disclosing some of the details (names and email addresses) contained within the response attachments would be disclosing personal information relating to third party individuals. If this information were to be disclosed, this would contravene Principle (a) of the data protection principles set out in Section 34(1) of the Data Protection Act 2018 and Article 5(1) of the GDPR. Principle (a) relates to the lawful, fair and transparent processing of personal data. If third party personal data were to be disclosed, this further processing of the personal data would be unlawful and thus breaches Principle (a).

Regulation 14 of the Environmental Information Regulations requires the Force, when refusing to provide information, to provide the applicant with a notice which specifies the reasons against disclosing the information requested: (a) by providing the exception relied upon for the refusal [under Regulations 12(4), 12(5) or 13] and (b) the matters considered by the public authority when reaching it's decision [under Regulations 12(1)(b), 13(2)(a)(ii) or 13(3)].

Exceptions applied:

Regulation 13(1) – Personal Information

In accordance with Regulation 14 of the EIR, this letter acts as a partial 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,

Abigail Standidge (FDU Decision Maker)

Phone: 01722 547081

Email: abigail.standidge@wiltshire.police.uk

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/>