



Via email



**Force Disclosure Unit**

Wiltshire Police HQ  
London Road  
Devizes  
Wiltshire  
SN10 2DN

[www.wiltshire.police.uk](http://www.wiltshire.police.uk)  
[disclosure@wiltshire.police.uk](mailto:disclosure@wiltshire.police.uk)

Date: 21 October 2022

Your ref: **FOI**

Our ref: FOI 2022/734

Reply contact name is

Dear,

I write in connection with your request for information dated 20/09/2022 concerning documentation on a 1980 incident.

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 not obliged to supply the information you have requested.

You wrote:

As a [REDACTED] advocate having applied for and received the transcript of the trial of [REDACTED] following a cold case review of an assault committed at [REDACTED] in [REDACTED] 1980, I can find no reference whatsoever to original Wiltshire Police reports (including, apparently, a photo-fit image). Could I request all the Wiltshire Police documentation (except personal information of course) on this 1980 incident.

Response:

The information you require is exempt information under the Freedom of Information Act 2000(FOIA). I should point out that the FOIA is primarily concerned with disclosure of information to the public. Information that constitutes personal data is exempt under section 40(1) of the FOIA if it is about the applicant (you, in this case); or section 40(2) if it is about a third party and disclosure to the public would contravene the data protection principles set out in schedule 1 of the Data Protection Act 1998.



Any individual requiring information held about them can complete a Subject Access Application form 135 under section 7 of the Data Protection Act 1998. You are entitled to a description of the data we hold about you, the reasons we hold it and who it is likely to be disclosed to. This process allows the force to establish your identity prior to the release of any personal data.

Wiltshire Police can neither confirm nor deny that it holds the information relevant to your request as the duty in s.1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of S40 (5) (Personal Information).

I must point out that if you decide to complete form 135, it is my opinion, considering your request, that the information may contain reference to other individuals who would be identifiable. Section 7(4) of DPA provides that, where the disclosure of personal data about an individual would also reveal information relating to other individuals who can be identified, we are not obliged to disclose it unless we have consent to do so; or it is reasonable in all the circumstances to do so without consent.

Section 40(1)(2) of the Act 2000 is an absolute exemption therefore there is no need for Wiltshire Police to articulate the harm in release, or conduct a Public Interest Test.

Section 17 of the Freedom of Information Act 2000 requires Wiltshire Police, when refusing to provide 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. In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice for those aspects of your request.

Exemptions applied:

#### 40 Personal information

(1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

(2) Any information to which a request for information relates is also exempt information if—

(a) it constitutes personal data which do not fall within subsection (1), and

5) The duty to confirm or deny—

(a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and

(b) does not arise in relation to other information if or to the extent that either—

(i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the [1998 c. 29.] Data Protection Act 1998 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or

(ii) by virtue of any provision of Part IV of the [1998 c. 29.] Data Protection Act 1998 the information is exempt from section 7(1)(a) of that Act (data subject's right to be informed whether personal data being processed).

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

**Force Disclosure Decision Maker**

The 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](mailto: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](mailto: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/>**