

WILTSHIRE POLICE



XXXXXXXXX
By email

**Force Disclosure Unit
Police Headquarters**

London Road
DEVIZES
Wiltshire
SN10 2DN

Date 10th October 2022

Our Ref FOI 2022/531

Dear XXXXX,

I write in connection with your request for information dated 23rd June 2022, task reopened 31st August 2022 following clarification being received, concerning Regulation 13 notices. Please accept my sincere 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.

Your request for information has now been considered and I am not obliged to supply the information you have requested.

You wrote:

Clarification requested 12/08/2022 – I have received an email from the assisting department seeking clarification regarding the Regulation 13s – are you requiring information regarding Regulation 13 meetings or warning notices?

Clarification received 30/08/2022 – We are referring to notices issued.

This FOI relates to data involving protected characteristics as defined by the Equality Act 2010. A link to those nine defined characteristics is below:

<https://www.gov.uk/government/organisations/home-office/about/equality-and-diversity#equality-objectives>

The nine protected characteristics as defined by the act are:

- age
- disability
- gender reassignment
- marriage and civil partnership

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- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

QUESTIONS

1. In each of the years 2017,2018,2019,2020, and 2021:

- How many Regulation 13 notices were issued within the force?
- Of those, how many of the recipients had protected characteristics (as defined by the Equality Act 2010)?

E.G.

YEAR	NO OF REG 13	PROTECTED CHARACTERISTIC BREAKDOWN
2020	100	25 LGBT 25 Sikh 25 Black 25 Women
2021	XX	XXXX

- Of all regulation 13 notices issued – how many cases were referred to the IOPC?

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 information regarding Regulation 13 notices - would in itself exceed the time obligations placed upon the authority to comply (18 hours) and therefore engages section 12(2). This information is not recorded centrally and therefore providing this data would require manually reviewing each student officer's file (past and current) for the time period requested to extract this information.

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.

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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.

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

Phone: 01722 547081

Email: abigail.standidge@wiltshire.police.uk

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



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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/>

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