

WILTSHIRE POLICE



XXXXXXX
By email

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

Date 18th October 2022

Our Ref FOI 2022/760

Dear XXXXX,

I write in connection with your request for information dated 27th September 2022, concerning intelligence reports.

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 Intelligence department at Wiltshire Police. Your request for information has now been considered and I am able to respond as follows.

You wrote and our response:

I have considered your request and I am able to provide a partial response to your request. Some of the information relevant to this request is exempt by virtue of Section 24(1) - National Security and Section 31(1)(a)(b) - Law Enforcement.

Section 24 and 31 are both qualified prejudice-based exemptions, and therefore they require Wiltshire Police to establish the harm in disclosure, along with the public interest favouring and against disclosure.

I previously contacted you to explore the level of recorded intelligence reports you hold.

Reference FOI2021/892 refers to my previous request.

After my analysis I have identified the result of that FOI indicated that over the 10 year period between 2011-2020 the volume of recorded intelligence retained by your organization has **decreased** by approximately 4%.

Q1: Please can you provide a rationale for why the number of recorded intelligence reports held by your police service has decreased during that time?

In addition, during the year 2020, the number of recorded intelligence reports held by your police service **increased** by approximately 14%.

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This question is not valid under s8(1)(c) of the Freedom of Information Act 2000 as it asks for rationale for the data provided in your previous request (FOI 2021/892).

There is no obligation on an Authority to create information simply to answer an FOI request, if that information does not already exist in the format required, which this does not.

Q2: Please can you provide a rationale for why, in contrast to those preceding years, the number of recorded intelligence reports held by your police service increased during the year 2020? For example, new policy or practice regarding retention, increased intelligence regarding COVID breaches etc.

Finally, in your previous FOI response you also indicated that other information that is not technically classed as an 'intelligence report' may be held on other systems as your intelligence system is not the sole means of holding information about policing matters.

As above with question 1 - this question is not valid.

Q3: Please can you outline the names and nature of the other systems used to retain information or intelligence on policing matters?

NICHE is our primary recording system for crime and intelligence, however Wiltshire Police will also use national systems such as PND.

There are other databases used within the Force, by departments dealing with covert or operationally sensitive matters, however releasing details of these systems is exempt by virtue of s24(1) and s31(1)(a)(b) of the Act. Please see below for harm and public interest tests.

Q4: Please can you also clarify if front line police officers (999, CBM, CID etc.) routinely have access to these systems to inform their day to day policing functions? i.e. crime prevention activity, criminal investigation etc.

All police officers and staff have access to and can view NICHE, as long as they have a policing purpose to do so. Access to other policing systems will vary depending on several factors, such as job role and security vetting levels, not whether an officer is specifically in a frontline role or not.

Q5 - If they do not, please specify why?

N/A - also note this question is not valid.

Q6 = Please also outline which personnel do have access to the systems? i.e. intelligence analysts, digital forensic officers, department managers etc. ?

As above with question 4.

Q7 – if not used by frontline officers, please also specify what purposes this information is routinely used? i.e. criminal intelligence analysis, as evidence in criminal investigations etc.

As above with question 4.

Harm test

Modern day policing is intelligence led, and law enforcement depends upon the development of intelligence and the gathering and security of evidence in order to disrupt criminal behaviour and bring offenders to justice. In this case, the information relates to systems which are used to store data about ongoing and live investigations, some of which potentially include covert activity. Revealing details of specific systems will not only be revealing information which would undermine the process of preventing or detecting crime and the apprehension of prosecution of offenders, Proud to serve and protect our communities

but would also provide opportunities for criminals to carry out cyberattacks; which would not only allow them to infiltrate policing systems, thus accessing highly sensitive data, but also disrupt policing systems to such an extent as to render key law enforcement applications or even computer devices obsolete.

To provide information about intelligence systems which could subsequently be hacked and data compromised would be extremely useful to those involved in terrorist activity as it would enable them to map vulnerable intelligence databases.

Public Interest Considerations

Section 24

Factors favouring disclosure

Disclosure would lead to a better informed public, and the public are entitled to know how public funds are spent. The information simply relates to national security and disclosure would not actually harm it.

Factors against disclosure

Operational systems and security measures are put in place to protect the community we serve. As evidenced within the harm, disclosure of any such information in respect of investigative activity which may or may not be linked to terrorism would highlight to terrorists, and individuals intent on carrying out criminal activity, vulnerabilities within Wiltshire Police Force area. Taking into account the current security climate within the United Kingdom, no information which may aid a terrorist should be disclosed. To what extent this information may aid a terrorist is unknown, but it is clear that it will have an impact on a Force's ability to monitor terrorist activity. The cumulative effect of terrorists gathering information from various sources would be even more impactful when linked to other information gathered from various sources about terrorism. The more information disclosed over time will give a more detailed account of the infrastructure of not only a Force area, but also the country as a whole. Any incident that results from such a disclosure would, by default, affect National Security.

Section 31

Factors favouring disclosure

Disclosing information relevant to this request would lead to a better informed public which may encourage individuals to provide intelligence in order to reduce the risk of police networks being hacked.

Factors against disclosure

Disclosing information in this case would suggest Wiltshire Police take their responsibility to protect information and information systems from unauthorised access, destruction etc, dismissively and inappropriately.

Balancing Test

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, information is gathered which can be highly sensitive and relating to high profile as well as covert intelligence. Weakening the mechanisms used to monitor any type of criminal activity, and specifically terrorist activity would place the security of the country at an increased level of danger. Therefore, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public

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interest in disclosing the information.

Section 17 of the Freedom of Information Act 2000 requires the Constabulary, 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:

Section 24(1) – National Security

Section 31(1)(a)(b) – Law Enforcement

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

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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