



Via email



Force Disclosure Unit
Wiltshire Police HQ
London Road
Devizes
Wiltshire
SN10 2DN
www.wiltshire.police.uk
disclosure@wiltshire.police.uk

Date: 14 November 2022

Your ref: **FOI**

Our ref: FOI 2022/660

Reply contact name is

Dear,

I write in connection with your request for information dated 16/08/2022 concerning problem profiles.

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:

Please provide a copy of the below reports as set out in your response to **FOI 2022/370**.

- 1) Domestic Abuse Problem Profile 2020
- 2) VaWG and RASSO problem profile 2021

(Later reduced to just the VaWG and RASSO problem profiles)

Response:

Wiltshire Police are unable to answer your request, as it is considered to be vexatious under Section 14(1) of the Freedom of Information Act 2000.

Whilst there is no obligation on Wiltshire police to explain why the request is vexatious, I have decided to provide you with the decision-making thought process used for the application of S14, along with some of the Information Commissioner's guidance on its application. It also serves as a reiteration of our discussions as to why we have reached this decision.



INVESTOR IN PEOPLE

The Freedom of Information Act is a piece of legislation designed to give the public access to information held by public authorities. It exists to make the decisions of those authorities transparent and to keep the populace better informed regarding matters which affect them.

The leading case law on S14(1) Vexatious Requests can now be found in the Upper Tribunal Case of [Information Commissioner vs Devon County Council & Dransfield \[2012\]](#), where it defines the purpose of section 14 as follows;

‘Section 14...is concerned with the nature of the request and has the effect of disapplying the citizen’s right under Section 1(1)...The purpose of Section 14...must be to protect the resources (in the broadest sense of that word) of the public authority from being squandered on disproportionate use of FOIA...’ (paragraph 10).

The ICO guidance (which can be found at the link below) on the application of s14(1) actually encourages public authorities to consider its use in any case where they believe the request is disproportionate or unjustified.

http://ico.org.uk/news/blog/2013/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/dealing-with-vexatious-requests.ashx

In this particular case you have requested a substantial volume of information from Wiltshire Police, and within the information that you have requested there are concerns that it is likely to contain exempt information, which cannot easily be located due to it being scattered throughout the requested information. Once the documents have been redacted, they would be of little to no use due to the sensitive nature of the information contained within.

To review all of the requested information it has been calculated would take a member of staff approximately 3 days per document; this estimation does not include consultation time to identify the potential harm in disclosure and the application of any exemptions. Wiltshire police has real concerns about potentially exempt information and this cannot be easily isolated.

In coming to this decision Wiltshire police has considered:

Burden on the authority

As articulated above the effort required to review each document will be so grossly oppressive in terms of the strain on time and resources, that the authority cannot reasonably be expected to comply, no matter how legitimate the subject matter or valid the intentions of your request. Also, the resources required to comply with this request would severely hamper Wiltshire Police ability to answer other Freedom of Information requests.

Disproportionate effort

The ICO considers it good practice where an authority believes that complying with a particular request will impose a grossly oppressive burden, to talk to the requester before claiming section 14(1), to see if they are willing to submit a less burdensome request.

In reaching this decision Wiltshire police has borne in mind that its underlying commitment to transparency and openness may involve absorbing a certain level of disruption and

annoyance. However, taking into account the points already made we cannot justify any further extraction of those staff.

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:

S.14 (1) Vexatious / burdensome 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.

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 Fol 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 you contact them, please visit <https://ico.org.uk/global/contact-us/>