

WILTSHIRE POLICE



XXXXXXXXX
By email

**Force Disclosure Unit
Police Headquarters**

London Road
DEVIZES
Wiltshire
SN10 2DN

Date 16th January 2023

Our Ref FOI 2022-1004

Dear XXXXX,

I write in connection with your request for information dated 20th December 2022, concerning intentional destruction of an unborn child.

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 could you provide the following information regarding recorded crimes of intentional destruction of an unborn child as per Home Office data published here:

<https://www.gov.uk/government/statistics/police-recorded-crime-open-data-tables>

1. Home Office data shows that Wiltshire Police recorded one crime of intentional destruction of an unborn child in the last decade – in 2016/17. Please could you provide the case logs for these cases, redacted to protect the anonymity of those involved. I am particularly interested in whether any of the reported crimes were against the pregnant woman carrying the unborn child.

Our response:

Under the Freedom of Information Act 2000 (FOIA), this request is exempt by virtue of Section 38(1) - Health and Safety and s40(2) - Personal Data.

- ❖ Section 38 is a qualified prejudice-based exemption and therefore requires Wiltshire Police to establish the harm in disclosure, along with the public interest favouring and against disclosure.
- ❖ Section 40 is an absolute exemption and therefore there is no requirement to articulate the harm or conduct a Public Interest test.

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Please see the following link for information deemed a sufficient enough disclosure regarding the incident noted in this request - [internal review response-2022 332.pdf \(wiltshire.police.uk\)](#). I trust this is of assistance, however further disclosure could identify the individual(s) involved or cause harm / distress to the individual(s) and is therefore exempt by virtue of the above exemptions.

Section 38

Harm test

A disclosure under Freedom of Information is a disclosure to the world, not just the individual who has requested the information. Although every effort should be made to release information under the Freedom of Information Act, disclosing the requested information would cause great emotional and mental distress onto the victim involved with the singular occurrence identified, as well as their family, friends and potentially members of the public.

Factors favouring disclosure

Placing this information into the public domain would lead to an increased public awareness regarding how Wiltshire Police are approaching instances of intentional destruction of a child. Additionally, disclosure would demonstrate Wiltshire Police as being as open and transparent with the public as possible.

Factors against disclosure

If this information were to be disclosed, this would cause substantial distress to the victim as well as their family, friends and potentially members of the public who may view the disclosure. This is particularly the case due to the sensitive nature of the information requested, and the fact that there has been only one recorded incident. Wiltshire Police will not disclose information if it would cause harm - regardless of whether this is physical, emotional or mental - to victims of crime, their family and friends or members of the public.

Furthermore, there is a large public interest in ensuring victims of offences are safeguarded and not caused any further harm by a disclosure into the public domain by the Force.

Balance test

Wiltshire Police are charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Whilst there is a public interest in the transparency and openness between the Force and the public, there is a stronger public interest in ensuring that victims - along with their family, friends and members of the public - are safeguarded against further harm, anxiety and distress caused through the disclosure of information. Because of this, Wiltshire Police will not divulge any information if doing so would cause further distress to victims and/or members of the public.

For this reason, public interest lies in favour of non-disclosure of this 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.

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Exemptions applied:

Section 38(1) – Health and Safety
Section 40(2) – Personal Data

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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