

WILTSHIRE POLICE



XXXXXX – by E Mail



Police Headquarters

London Road
DEVIZES
Wiltshire
SN10 2DN

disclosure@wiltshire.police.uk

Date 19th January 2023

Your ref:

Our ref: FOI 2023-057

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information, dated 26th July 2022 concerning Offences where the victim or witness did not have a mental illness.

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 with the Business Performance Team of Wiltshire Police.

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

You wrote:

Can you send me the following information :

- a) Any information when you have timed out time barred offence(s) when the victim did not have a mental illness
- b) Any information when you have refused to refer state-based allegations against a senior servant when the witness did not have a mental illness
- c) Any information when you have refused to refer "relevant offences" against your Officers to the IOPC when the witness did not have a mental illness

Our Response

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or

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deny whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held.

Whilst I can confirm Wiltshire Police do hold the requested information, section 12(1) of the FOIA states:-

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.

The information you are requesting is not stored in a way which permits easy retrieval.

Looking at Q1 in isolation (however similar retrieval issues also apply to questions 2 and 3), whilst we have been able to identify 1,740 cases over the last 6 calendar years (the standard retention policy for information held for FOI requests) which fit your criteria of offences being closed down due to the time-limit expiring and in which the victim did not have a mental illness, we are not able to easily identify a total figure which answers this question fully.

There are a further 213 cases which were also closed due to the time-limit expiring but which feature a Mental Health flag logged on our system. This flag is held against the occurrence rather than the individual and to identify which of this remainder of 213 cases also meet your criteria would necessitate us identifying and researching each of those cases in turn to determine whether it was the victim(s) named in the occurrence that had a mental illness or another party altogether.

This research could entail reviewing the involvements tab of our system, may involve reading the occurrence log of the crime or could even involve delving deeper into other investigative documents such as statements etc.

Under the circumstances – and allowing a very conservative 15 minutes per record – 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.

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.

Ordinarily under our section 16 duty to provide advice and assistance, we would advise you how to refine your request to a more manageable level. However, due to the difficulties outlined above, I cannot see how this can be achieved in this particular case.

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Section 17 of the Freedom of Information Act 2000 requires the 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.

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.

We would like to take this opportunity to apologise for the long time-period you have had to wait for a response to this request. Whilst your original communication letter dated 26th July 2022 was forwarded to a number of different Teams within Wiltshire Police, an administrative oversight meant the Force Disclosure Unit only became aware of this request for the first time when we were contacted by the ICO.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely

Nick Penny

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

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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
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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/>