

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.uk

XXXXXX – by E Mail

Date: 31st January 2023

Your ref: FOI

Our ref: FOI 2023 / 156

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 30th January 2023 concerning Hate Crimes where the victim was Russian.

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 – having consulted our Business Performance Team - I am not able to respond to you in full.

You wrote (and Our Response) :

For the period 24th February 2022 to 30th January 2023, please could you tell me:

- 1) The number of race hate crimes recorded where the victim's nationality was Russian

None

- 2) A brief description of each crime listed in your answer to question 1

None

- 3) The number of reported crimes which mentioned "Russia" or "Russian" in the MO field of the crime report

Four

INVESTOR IN PEOPLE

- 4) A brief summary of each reported crime listed in your answer to question 3

Wiltshire Police can confirm that this information is held, however this information is exempt by virtue of the following exemption:

Section 40(2) – Personal Information

Section 40 is an absolute exemption and there is no requirement for Wiltshire Police to articulate the harm or examine the public interest in disclosure. Information that constitutes personal data is exempt under section 40(2) of the Freedom of Information Act if it is about a third party and disclosure to the public would contravene the data protection principles set out in Schedule 1 of the Data Protection Act 1998.

It needs to be noted that where an individual is requesting third party personal data Wiltshire Police must ensure that any action taken adheres to the principles of the Data Protection Act 2018 and the GDPR. To clarify, the Freedom of Information Act only allows disclosure of personal data if that disclosure would be compliant with the principles for processing personal data. These principles are outlined under Section 34 of the DPA 2018 and under Article 5 of the GDPR.

Whilst there is no requirement for Wiltshire Police to explain why this information cannot be disclosed, under our Section 16 duty to be as helpful as possible to an applicant I am happy to provide some context with regards this decision.

The disclosure of information under FOI is essentially a disclosure to the world at large (not simply the applicant). If we were to provide an abbreviated summary of the offences that were reported, it could provide the suspect/offender with clarification that a report was filed with Wiltshire Police for the incident in question (when they might not necessarily know that one had been submitted).

For each calendar year 2020 and 2021 and the period 1st January 2022 to 23rd February 2022.

- 5) The number of race hate crimes recorded where the victim's nationality was Russian

None

- 6) A brief description of each crime listed in your answer to question 5

None

- 7) The number of reported crimes which mentioned "Russia" or "Russian" in the MO field of the crime report

None

8) A brief summary of each reported crime listed in your answer to question 7

Not applicable due to our answer to Q7 above.

Section 17 of the Freedom of Information Act 2000 requires that Wiltshire Police, when refusing to provide certain 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 40 – Personal Information

In accordance with section 17 of the Act, this letter represents a Refusal Notice for this particular part of your 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.

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

Yours sincerely,

Nick Penny
Disclosure Decision Maker

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.pnn.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