

**Police Headquarters**

London Road
DEVIZES
Wiltshire
SN10 2DN

disclosure@wiltshire.police.uk

Date: June 12, 2023

Your ref:

Our ref: FOI 2023/081

Reply contact name is:

Dear,

I write in connection with your request for information dated 17th January 2023 concerning restricted duties.

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:

- The number of officers on restricted duties - as of January 17, 2023 - arising from allegations against them of sexual misconduct
- The number of officers on restricted duties - as of January 17, 2023 - arising from allegations against them of racism
- The number of officers - as of January 17, 2023 - who are awaiting the results of investigations arising from allegations against them of sexual misconduct
- The number of officers - as of January 17, 2023 - who are awaiting the results of investigations arising from allegations against them of racism

Response:

On reviewing your original Freedom of Information request, the response provided to you and your request for an Internal Review, I can respond as follows.

Although I do not believe that Sections 31(1)(g) by virtue of 31(2)(b) and 38(1) should have been used, I do agree that Section 40(2) is applicable.

To confirm, the information that you are requesting is exempt by Section 40(2) of the Freedom of Information Act. This is as disclosing this information would breach the Data Protection Act 2018, specifically Principle One (Fairness).

Section 40 is a class based absolute exemption, therefore there is no requirement to articulate the harm in disclosure or a requirement for the public interest test.

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:

Section 40(2) – Personal Information

Please contact me if you would like to discuss the withheld information.

Yours sincerely,



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

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
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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/>