



WILTSHIRE POLICE

Force Disclosure Unit
Police Headquarters
London Road
DEVIZES
Wiltshire
SN10 2DN

Date: 8th February 2023

Ref: FOI 2022/878

Dear,

I write in connection with your request for information dated 8th November 2022 concerning the full review of policing at Lacock on 27th December 2021. My sincerest apologies for the delay.

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 it is not possible to meet your requirements in full.

You wrote:

I would like to see the full review of Policing at Lacock on 27/12/21

Our response:

Your request for information has been considered and I am not obliged to supply the information you have requested as it is exempt by virtue of Section 31(1) and Section 40(2).

Due to the level of detail you require, in particular the full details contained within the review, your request is exempt; as to provide you with this information in full would provide you with information, which in itself may identify individuals, or do so when put together with other information, which you may be able to obtain. This would then be a disclosure of that individual's personal information in breach of the Data Protection Principles and therefore, exempt under Section 40(2) of the Freedom of Information Act 2000.

Section 40 is an absolute exemption and there are no requirements for any consideration of potential harm, or public interest in its application.

However, to assist you as best I can, but maintain the rights and entitlements of those individuals; I am prepared to disclose a redacted copy of the review requested.

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Section 31 is a qualified exemption which requires an examination of the public interest considerations in favour and against disclosure, and this will be carried out below.

Section 31(1) Law Enforcement – Public Interest Test:

Overall Harm

Any disclosure under FOI is a release to the public at large. Whilst not questioning the motives of the applicant, disclosing the requested information in full could cause substantial harm for everyday policing and all individuals involved, such as Police employees and the wider community. By disclosing this information, Wiltshire Police would prejudice our ability to prevent and detect crime, and to apprehend and prosecute offenders; as information would be provided to offenders in which they can potentially then use this to evade detection, therefore, negatively affecting the Force's ability to protect the community.

Although there is public interest in the transparency of policing, which would provide assurance to the public that the Police service is appropriately and effectively engaging the use of its' resources in the investigation of crime and preventing disorder, this is countered by the need to protect any future law enforcement conducted by Wiltshire Police and ensuring the safety of the public.

Factors Favouring Disclosure

Disclosure of this information in full would lead to a better-informed public and promote trust by demonstrating openness, transparency and accountability.

Factors Against Disclosure

Disclosing this information in full would provide the world, not just the requester, with sensitive operational information, which in turn could place Wiltshire Police's law enforcement capabilities into jeopardy and run the risk of causing endangerment to the community that Wiltshire Police are empowered to protect. This would give criminals the ability to understand the operational capabilities of Wiltshire Police and as a result, this would undoubtedly hinder the prevention and detection of crime. By providing this information, they can use this to plan criminal acts and avoid detection. If offenders avoid detection, this places the public at a greater risk and subsequently a diminishing trust in the Force and an increase of crime will be seen.

To disclose this information in full into the public domain would highlight that Wiltshire Police does not take the security and integrity of law enforcement seriously and suggest that they are not concerned with keeping the public safe, both of which would cause a significant drop in public confidence.

Balance Test

Whilst there is a public interest in the transparency and openness between the Force and the public, along with demonstrating how the Force are engaging with the threat from criminals, there is a stronger interest in ensuring the public are protected from these individuals. The above points highlight both the merits and issues with disclosing the information you have requested.

Overall, the Police service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Because of this, Wiltshire Police will not divulge any information if to do so would prejudice our law enforcement capabilities and in turn lead to more victims of crime, more offenders not being brought to justice, or to put our community at risk of any harm. Therefore, the public interest is very largely in favour of non-disclosure, to ensure the capability of law enforcement by Wiltshire Police and to keep the public safe. This would only be overridden in exceptional circumstances, which this Freedom of Information request is not.

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.

Exemptions applied:

Section 40(2) – Personal Information

Section 31(1) – Law Enforcement

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,

Force 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

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.

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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