



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

Date: 6<sup>th</sup> February 2023

Ref: FOI 2023/081

Dear,

I write in connection with your request for information dated 17<sup>th</sup> January 2023 concerning officers on 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 it is not possible to meet your requirements.

**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

**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)(g), Section 31(2)(b), Section 38(1) and Section 40(2).

Due to the level of detail you require in your request, as it relates to a relatively recent time frame – it is exempt; as to provide you with these details would provide you with information, which in itself may identify individuals, or do so when put together with other

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information, which you may be able to obtain. For example, if another request was received asking for the same information as of the 18<sup>th</sup> January 2023, then the harm in disclosing this information is that an individual would be able to see the differences in the figures provided between these two days and potentially use this information to identify any officers in question. This would then be a disclosure of that officer's personal information in breach of the Data Protection Principles and is therefore, exempt under Section 40(2) of the Act.

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

Sections 31 and 38 are qualified exemptions which require an examination of the public interest considerations in favour and against disclosure, which will be carried out below.

### **Section 31(1)(g) by virtue of Section 31(2)(b):**

#### **Factors favouring disclosure**

By disclosing whether or not this information is held would allow for greater transparency around the work conducted by Wiltshire Police.

#### **Factors against disclosure**

Disclosing that the information requested exists has the potential to put individuals at risk and it could even cause more crime to be committed, revealing why and how many officers are on restricted duties may show a drop in numbers within the force and encourage perpetrators to think they could avoid being detected from committing a crime leading this to prejudice the prevention and detection of crime.

### **Section 38(1):**

#### **Factors favouring disclosure**

Disclosure of this information would lead to better awareness for the community, enabling informed public debate to be undertaken around officers on restricted duties and the reasons as to why, and more awareness into how the force have dealt with these matters. Furthermore, the public has a right to know that public funds are being resourced appropriately.

#### **Factors against disclosure**

By disclosing whether or not information is held would jeopardise the safety of an individual and the public would lose confidence in Wiltshire Police's forces ability to protect the wellbeing of the community and its staff. If an individual were to be identified information of this nature being made public is likely to affect their mental health. Moreover, if an individual were identified and then someone used this knowledge to make others aware, this could instigate vigilante type of behaviour against the officer resulting in physical harm.

### **Balancing Test**

Irrespective of whether we disclose this information, public safety and the ability to deliver investigations is of paramount importance. Disclosing this information would undoubtedly compromise an investigation, the health and safety of an individual and release personal sensitive information. Therefore, at this moment in time, it is our opinion that for these issues the balancing test for disclosure is not made out.

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)(g) by virtue of Section 31(2)(b) – Law enforcement

Section 38(1) – Health and safety

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](mailto: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](mailto:mail@ico.gsi.gov.uk)