



Police Headquarters
London Road
DEVIZES
Wiltshire
SN10 2DN
disclosure@wiltshire.police.uk

Date 13th April 2023

Our ref **FOI 2023/373**

Dear ***,

I write in connection with your request for information dated 31st March 2023 concerning Unauthorised photos - crime scenes.

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 by the Professional Standards Department at Wiltshire Police.

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

You wrote:

(1) From 2015 to the day this request is processed, please state how many police officers have taken unauthorised photos of crime scenes.

In each case, please disclose the following:

- Please provide a description as to what happened, and please state the year that the unauthorised photo/photos were taken.
- Please state whether the police officer shared the unauthorised photo/photos of crime scenes with other police officers/members of staff.
- Please state whether the police officer received disciplinary action. Please describe the disciplinary action.

(2) From 2015 to the day this request is processed, please state how many police officers have taken unauthorised photos of victims of crime.

In each case, please disclose the following:

Proud to serve and protect our communities

- Please provide a description as to what happened, and please state the year that the unauthorised photo/photos were taken.
- Please state whether the police officer shared the unauthorised photo/photos of victims of crime with other police officers/members of staff.
- Please state whether the police officer received disciplinary action. Please describe the disciplinary action.
- Please state the (i) the gender (ii) the ethnicity of the victim/s of crime in the unauthorised photo/photos.

(3) From 2015 to the day this request is processed, please state how many police officers have taken unauthorised photos of people held in police custody suites.

In each case, please disclose the following:

- Please provide a description as to what happened, and please state the year that the unauthorised photo/photos were taken.
- Please state whether the police officer shared the unauthorised photos of people held in police custody suites with other police officers/members of staff.
- Please state whether the police officer received disciplinary action. Please describe the disciplinary action.
- Please state the (i) the gender (ii) the ethnicity of the person held in a police custody suite in the unauthorised photo/photos.

Response:

The information that you are requesting is not stored in a way which permits easy retrieval. We currently do not have the capability within our systems to flag information on police officers taking unauthorised photographs which can then be analysed quickly and easily. In the time period since 2015 there were over 8000 complaints and conduct matters. The ascertaining of this information would only be possible by manually checking all 8000 complaints and conduct matters to determine if they relate to police officers taking unauthorised photographs.

Under the circumstances 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.

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.

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.

Proud to serve and protect our communities

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.

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

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Proud to serve and protect our communities

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 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

Proud to serve and protect our communities

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/>