

**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 email

Date: 5th April 2023

Your ref: FOI

Our ref: FOI 2023 / 386

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 3rd April 2023 concerning Unlawful Entry into the wrong property.

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:

Please could you provide me with how many times your force has unlawfully forced entry into the wrong property for the following years: 2019, 2020, 2021, 2022 and 2023 (01/01/23 to the present day).

For each incident please provide:

- (a) the date of the unlawfully forced entry
- (b) a brief explanation about why entry was forced and why it was deemed unlawful and
- (c) how much the operation cost in total.

Our response:

The information that you are requesting for the majority of your request (namely questions a and b) is not stored in a way which permits easy retrieval.

Whilst our Crime and Incidents recording systems are sophisticated and we have a number of unique fields in which we record key information about an incident (date, time, address, and so



INVESTOR IN PEOPLE

on) neither of these systems contain designated fields in which we might be able to record whether entry has been effected – and indeed – whether that entry was lawful or not. We are therefore not able to conduct automated searches for the information you require.

Wiltshire Police does not keep separate records of “unlawful entries” to premises as there is no legal requirement or obligation for us to do so as a Force.

The only way we could ascertain the information you require would be to manually locate and read each and every call log and occurrence log held on our system(s) where entry may have been made to a property or premises.

In any given calendar year Wiltshire Police record something in excess of 40,000 individual crimes and a similar number of non-crime Incidents.

As I am sure you will appreciate, for the time period you require this will run into many thousands of individual records where entry has been effected for one reason or another (for warrant purposes, affecting arrest, safeguarding reasons and so on) and there would be no easy way to determine which specific records themselves should even be reviewed.

Entry could be made to a premises for virtually any particular crime or incident (depending on the circumstances, risk and so on) and virtually every record would need to be located and read.

Even then, there is no guarantee that details of an unlawful entry will even be recorded within either the call log or crime log of an incident.

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.

Although excess cost removes the forces’ obligations under the Freedom of Information Act, as a gesture of goodwill I have supplied information, relative to your request, retrieved or available before it was realised that the fees limit would be exceeded. I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request. What I am able to provide you are the answers documented below :-

Question c

Wiltshire Police do not have any form of system where we record the resource / man-hours or costs allocated to a particular crime or police attendance. Our answer in respect of this question would therefore be – **No Information Held**.

Please Note

I have liaised with both our Legal Services and Insurance & Litigation Teams to see if they hold the information you require. Both have advised that while some information might be held in our records it is not in an easily searchable format.

Any information that may be held in either of those business areas that relate to unlawful entries would only be recorded as part of a larger Civil Claim that might have been submitted (should one have been made).

Once again, any searches of data held in either of those business areas would not only be a very time-consuming process involving locating and reading the details of every respective claim, they would not provide you with all the information you require. It would only be information related to unlawful entries that related in some way to Civil Claims and not those unlawful entries that did not result in or were not part of a specific civil claim.

It also needs to be noted that where no information exists today (eg information in respect of unlawful entries to properties and/or premises) there is no obligation on an Authority to create information simply in order to answer an FOI request.

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.

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,

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