

**Force Disclosure Unit**

Wiltshire Police HQ
London Road
Devizes
Wiltshire
SN10 2DN
Tel 101 ext 62005

www.wiltshire.police.uk

disclosure@wiltshire.pnn.police.uk

XXXXXX – by email

Date: 28th April 2023

Your ref: FOI

Our ref: FOI 2023 / 467

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 20th April 2023 concerning Golliwogs.

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 in full.

You wrote:

On Twitter there is a video of your Sgt. 1244 (with a PCSO in attendance) removing 2 golliwogs stickers from a motor vehicle, possibly a VW camper van. The video states that this was recorded last year. He is talking to Mr Thompson who is recording. In the video the officer refers to a report of an 'offensive sticker'.

Link

<https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2F%2Fstatus%2F1648997489968594946&data=05%7C01%7Cdisclosure%40wiltshire.police.uk%7C1edc75cb9fe04b3b028408db418d92b7%7C4e5729cf852d4510921251157ca27e3e%7C0%7C0%7C638175848527386140%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6I1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=aiiChpX3hul%2BBdYJlw12%2BDM7bhWH507ZFLn3qpKW0Ow%3D&reserved=0>

REQUEST

I would like all information held stating what suspected offences had been committed. Provide all guidance etc. held regarding display of golliwogs.



INVESTOR IN PEOPLE

Our response:

There is no specific policy or guidance held by Wiltshire Police that relates specifically to the display of golliwogs per-se. Our response to this part of your request is therefore - No Information Held.

However, under our Section 16 obligation to be as helpful as possible to an applicant I enclose the latest copy of our Hate Crime Policy & Procedure.

With regards to the specific incident in question, the details about what was specifically reported to Wiltshire Police to warrant an attendance on the day and what offences (if any) were committed, whilst it is held, is exempt by virtue of the following exemption:

Section 40(2) – Personal Information

Section 40 is an absolute exemption and there is no requirement for Wiltshire Police to articulate the harm or examine the public interest in disclosure. Information that constitutes personal data is exempt under section 40(2) of the Freedom of Information Act if it is about a third party and disclosure to the public would contravene the data protection principles set out in the Data Protection Act.

It needs to be noted that where an individual is requesting third party personal data Wiltshire Police must ensure that any action taken adheres to the principles of the Data Protection Act 2018 and the GDPR. To clarify, the Freedom of Information Act only allows disclosure of personal data if that disclosure would be compliant with the principles for processing personal data. These principles are outlined under Section 34 of the DPA 2018 and under Article 5 of the GDPR.

Under our Section 16 obligation to be as helpful as possible to an applicant I would guide you to the Hate Crime Policy provided to you which outlines explicitly the actions that Wiltshire Police will consider and take when a Hate Crime or Incident is reported.

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 40 Personal Information

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.



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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