

WILTSHIRE POLICE



Via Email



Police Headquarters

London Road
DEVIZES
Wiltshire
SN10 2DN

disclosure@wiltshire.police.uk

Date 03/05/2023

Our ref FOI 2023/ 403

Reply contact name is:

Dear

I write in connection with your request for information, dated 06/04/2023, concerning motorists caught driving either without valid insurance or an MOT between January 2022 - 2023.

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, searches were conducted with the Justice Traffic team of Wiltshire Police.

Your request for information has now been considered and it is not possible to meet your requirements in full.

You wrote:

1. How many motorists were caught driving an uninsured vehicle in between January 2022 and 2023 year to date?
2. How many motorists were caught driving without a vehicle without a valid MOT between January 2022 and 2023 year to date?

In addition, please provide responses for both questions broken down by:

- How many drivers were given points on their licence for the above offences throughout this period
- Age of licence holder when points were incurred
- Region of licence holder's registered address when points were incurred

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Response:

Notice Issued between 01/01/2022 00:00:00 and 27/04/2023 00:00:00

Offence Code	Offence Description	Number of Notices Issued	Niche Offences
RA88001	Use a motor vehicle on a road / public place without third party insurance	11	69
	Total	11	69
RT88096	Use a motor vehicle on a road without a valid test certificate	571	80
	Total	571	80
RT88191	Use a motor vehicle on a road / public place without third party insurance	609	488
	Total	609	488
Total		1191	1911

Please note:

- We would not be able to give a break down of the region the license holders registered address was – and to identify the age of the individual we would have to go into the notices/occurrence individually and this would take in excess of the time / cost limits (Please see below exemptions)
- For a no insurance offence a driver would receive 6 penalty points – however in court this can be more, and the court would be who the enquirer would need to contact to confirm this data – and for a MOT offence there are no points associated with this.

The type of information you require is not stored in a way which allows for easy retrieval. In relation to the additional information requested, we would need to manually peruse all relevant reports within the timeframe given. 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. Therefore the whole of the request falls under the exemption of section 12 of the Freedom of Information Act 2000.

Ordinarily under our Section 16 obligation to provide advice and assistance, we would advise you of a way to refine your request to a more manageable level. However, due to the difficulties in obtaining the requested information, as outlined above, I cannot think of a way in which this could be achieved.

In accordance with Section 1(1)(a) of the Act 2000 Wiltshire police confirms that it holds the details of the said compromise agreements however by virtue of s40(2) and s41(1) of the Act 2000 we are refusing to provide the information, to the level of detail, you have requested

Disclosure of details of compromise agreements, released by this force into the public domain, would breach the first principle of the Data Protection Act. The first principle requires the data controller to process the data that it holds fairly and lawfully. We do not deem it fair, in this instance, as it could not be considered to meet the reasonable expectations of the individual, nor the force, as both parties agreed the non-disclosure of Proud to serve and protect our communities

the compromise agreement. Additionally, Wiltshire police would be in breach of the legally binding conditions of the compromise agreement should it choose to disclose, thus engaging the lawfulness element of the first principle.

Section 41(1) Information provided in confidence – Information is exempt if: a) It was obtained by the public authority from any person and b) The disclosure of the information to the public authority holding it would breach the confidence actionable by that or any other person.

Section 41 is therefore applied as Wiltshire Police obtained the information from another person, a member of staff. By disclosing this information, it would be a breach of the confidentiality clause within the agreement. The compromise agreements include a confidentiality clause, which is binding on both parties.

Section 40(2) Personal Information – Applies to the release of any data that would breach the data protection rights of a third-party individual

Section 17 of the Freedom of Information Act 2000 requires the Constabulary, 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

Section 41(1) Information provided in confidence

Section 40(2) Personal Information

In accordance with section 17 of the Act, this letter represents a Refusal Notice for this particular request.

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 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.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:

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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

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/>