

**Police Headquarters**

London Road
DEVIZES
Wiltshire
SN10 2DN

disclosure@wiltshire.police.uk

Date 5th May 2023

Our ref **FOI 2023/498**

Dear ****,

I write in connection with your request for information dated 2nd of May concerning Arrests of Environmental Protestors.

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:

I'm writing to you under the Freedom of Information Act (2000) to ask that you please disclose to me information relating to records kept on people arrested on ideological grounds (including but not limited to protest action).

Specifically I'd like to know how many individuals from the following groups have been arrested for the years 2021 and 2022:

Extinction Rebellion, Ocean Rebellion, Coal Action Network, Right to Roam, Earth First, Youth Strike 4 Climate, Rising Tide, Friends of the Earth, Greenpeace, Campaign for Nuclear Disarmament (CND), Burning Pink, Tree Defenders, Fossil Free, Just Stop Oil, Insulate Britain, HS2 Rebellion (or anti-HS2 protestors), or any other relevant groups falling into the broad field of climate activism and education.

Alternatively, if the information cannot be split that way, would it instead be available by more broad key fields like "environmental protests" or "climate protest", as this would be preferable so as not to miss out on people included from smaller groups. Any way it can be made available would be fine, but to clarify, I'm not seeking the personal information of anyone involved, nor do I need to know the specific reason for arrest beyond it being related to action within an environmental group, or whether (or which) covert tactics or policing methods were used to make the arrests.

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Ideally, just the base figures of either how many people from this group have been arrested (or times have people been arrested. as I, aware the same person could get arrested on multiple occasions), or how many times individuals have been arrested for engaging in climate action.

If the information still cannot be retrieved due to cost, then I'd like to request that the information regarding people arrested during such protests is made available to me in whatever form it can be (redacted as necessary) so that I can manually sift through this information, so as to avoid going over cost limit for the Act (if, for example) it's split into protest and technically searchable, but a large data set).

If however information can be given such as "disruption", or if alternatively, this information would have recorded been under certain acts or offensive, such as anti-protest legislation, terrorism, or a specific category made for ease of reference for this type of case, then please could you advise the best way in which to hone down in that way for both my own ease and ease of the processor of the request. If this is how it's recorded, then I'd like to know under which legislation the arrests have been made, please.

I'd like to know, if possible, the easiest form this would be retrievable in, as I'm aware different forces will record things on different systems, but that there will likely be common ways in which records are kept by the individual forces. A spreadsheet with the group or ideology, number of arrests, and non-essentially for the offences.

Response:

The type of information you require is not stored in a way which allows for easy retrieval. When recording an arrest, Wiltshire Police do not have a specific field in which to indicate that the arrest was related to a protest. There are several reasons a person may be arrested at a protest, such as criminal damage, public order, assault, anti-social behaviour offences etc. The reason for an arrest and what it may be linked to is only likely to be contained within the body of a crime report, however even then, it may not be recorded.

The ascertaining of this information would only be possible by searching through all relevant arrestable offences during the period you are requesting and then manually reading each crime report (of which there would be thousands) to determine if the arrest was relevant to your request.

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 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.

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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

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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

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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/>