



Force Disclosure Unit
Police Headquarters
London Road
DEVIZES
Wiltshire
SN10 2DN

Date: 8th June 2023

Ref: FOI 2023/525

Dear,

I write in connection with your request for information dated 10th May 2023 concerning Notice of Intended Prosecution letters issued.

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:

For the time period between 1st April 2022 and 31st March 2023, please can you share the following information:

1. How many *Notice of Intended Prosecution* letters did you send relating to motorists speeding?
2. How many *Notice of Intended Prosecution* letters did you send (relating to motorists speeding) more than 14 days after the offence occurred?
3. In how many instances did you pass the 14-day deadline for *Notice of Intended Prosecution* letters (relating to motorists speeding) and decide not to send one altogether?
4. Which service do you use to send *Notice of Intended Prosecution* letters (relating to motorists speeding)? (include all that apply)
 - Royal Mail Tracked 24
 - Royal Mail Tracked 48
 - Royal Mail Special Delivery Guaranteed by 9am
 - Royal Mail Special Delivery Guaranteed by 1pm
 - Royal Mail Signed for First Class
 - Royal Mail Signed for Second Class

- Royal Mail First Class
 - Royal Mail Second Class
 - Royal Mail Sameday
 - Other
5. For all the *Notice of Intended Prosecution* letters you sent (relating to motorists speeding), can you let us know:
- How many were contested (by responding 'Not guilty', or in any other way)?
 - Of these, how many were contested specifically because the Notice of Intended Prosecution letter was received more than 14 days after the offence?
 - How many of these contested cases went to a court trial?
 - How many of the court trials ruled that the fine and driving licence points penalties were upheld/still applied?
6. Do you use technology to automate (machines carrying out tasks, instead of humans) the following processes when sending *Notice of Intended Prosecution* letters?
- Drafting letters
 - Printing letters
 - Putting letters into envelopes
 - Franking and posting

Our response:

The information that you are requesting is not stored in a way which permits easy retrieval. This is because in order to obtain how many days the Notice of Intended Prosecution (NOIP) letter was sent after the offence occurred, this would involve manually reviewing every occurrence where a NOIP was sent to see if the NOIP was issued within the first 14 days of the offence, or thereafter.

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.

Please note, that if one part of the request engages a Section 12 response, the whole request will engage a Section 12 response. The reason being is due to the fact that locating, retrieving and extracting any further information would only add to the already exceeded time obligations.

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 –

1. 3,116
4. NOIPs are sent via Royal Mail first-class post.

6. Letters have a template in the PentiP system (Home Office system), so data comes from StarDome into PentiP where the information merges then are manually printed from there and then manually enveloped (we are looking into other solutions, but currently all done manually), and manually franked.

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,

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

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.

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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