

WILTSHIRE POLICE



Police Headquarters

London Road
DEVIZES
Wiltshire
SN10 2DN

disclosure@wiltshire.police.uk

Date: July 20, 2023

Your ref:

Our ref: FOI 2023/632

Reply contact name is:

Dear,

I write in connection with your request for information, dated 14th June 2023 concerning the Force Management Statement.

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, research was conducted by the Improvement and Change Department of Wiltshire Police.

Your request for information has now been considered and I am not obliged to supply the information you have requested.

You Wrote:

please provide me with a full copy of your 2023 Force Management Statement.

Please send me the full FMS, not a summary of it.

I object in the strongest terms to my request being deemed vexatious and I request an internal review of that decision.

If you honestly believe it will take your force too long to redact the document then you are of course within your rights to refuse my request under the S12 cost exemption.

However there is absolutely no reason to deem my request vexatious. Looking at the guidance from the ICO on the matter, there are no grounds to call into question my motive, the impact on staff or the value of the request.

And regarding the burden on the authority, I have been FOling police for their Force Management Statement for several years now and almost every other force, from the biggest to the smallest, has sent me theirs with minimal redactions. Therefore you cannot claim the burden is so great on your force as to deem the request vexatious.

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The ICO states: 'We strongly recommend that if your main concern is the cost of finding and extracting the information, you should consider the request under section 12 of the Act, where possible.'

In addition, I do not believe you can legitimately use the 'grossly oppressive' justification for a S14 refusal as your force did in fact provide me with a copy of the 2020 FMS under the FOI Act in July 2021.

I cannot see what could have changed in less than two years; in fact public authorities had more reason to reject FOI requests at the height of Covid.

Response:

On reviewing your original Freedom of Information request, the response provided to you and your request for an Internal Review, I uphold the original response provided to you.

Wiltshire Police is unable to answer your request for information as it is considered to be vexatious under Section 14(1) of the Freedom of Information Act 2000.

Whilst there is no obligation on Wiltshire Police to explain why the request is vexatious, I have decided to provide you with the decision-making thought process used for the application of Section 14, along with some of the Information Commissioner's guidance on its application.

The Freedom of Information Act is a piece of Legislation designed to give the public access to information held by public authorities. It exists to make the decisions of those authorities transparent and to keep the public better informed regarding matters that affect them. However, Section 14(1) is designed to protect public authorities by allowing them to refuse any requests that have the potential to cause **a disproportionate or unjustified level of disruption**, irritation or distress.

The leading case law on Section 14(1) Vexatious Requests can be found in the Upper Tribunal Case of [Information Commissioner vs Devon County Council & Dransfield \(2012\)](#), where it defines the purpose of Section 14 as follows;

'Section 14...is concerned with the nature of the request and has the effect of disapplying the citizen's right under Section 1(1)...The purpose of Section 14...must be to protect the resources (in the broadest sense of that word) of the public authority from being squandered on disproportionate use of FOIA...' (Paragraph 10).

The Information Commissioner's guidance on the application of Section 14(1) actually encourages public authorities to consider its use in any case where they believe the request is disproportionate or unjustified. This guidance can be found by following the below link:

[Dealing with vexatious requests \(section 14\) | ICO](#)

In this particular case you have requested a substantial volume of information from Wiltshire Police, and within the information that you have requested there are concerns that it is likely to contain exempt information.

To review the documents and highlight appropriate redactions would divert staff from multiple specialist departments, including the Continuous Improvement Team and Force Disclosure Unit (FDU), away from their core functions for several hours. I am confident that

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to locate the information, as well as to identify the potential harm in disclosure and the application of exemptions once gathered, would exceed the time obligations upon this authority to comply, and in doing so would exceed the fees limits.

In addition to the above, I have provided a more detailed reasoning below for why I have deemed your request to be **a burden on the authority and a disproportionate effort**:

Whilst I can confirm that the information is held, the Continuous Improvement Team have stated that the Force Management Statement (FMS) is 250 pages long. Though they confirmed that this could be retrieved, hence why Section 12 does not apply, due to the need to manually contact each and every specialist department, who would then need to review their section(s) in full and redact where necessary, which would need input from the FDU from an Freedom of Information (FOI) point of view, would cause a disproportionate level of disruption and a detrimental impact on the authority. This is due to the information needing to be reviewed by the relevant and specialist departments, who have the greater knowledge and understanding of the specific issues, regarding any harm that a disclosure may cause. It would not be appropriate for the FDU to review, redact and disclose the information without this input, therefore it would be reasonable and expected for them to also review the information and highlight concerns. Due to this, it would essentially mean that two departments would have to review/redact the same information.

The ICO has provided the following guidance in relation to this:

Requests which would impose a grossly oppressive burden but are not covered by the section 12 cost limits

69. An authority cannot claim section 12 for the cost and effort associated with considering exemptions or redacting exempt information.

70. Nonetheless, it may apply section 14(1) where it can make a case that the amount of time required to review and prepare the information for disclosure would impose a grossly oppressive burden on the organisation.

At this time, an FOI request such as this would put further pressure on specialist departments and remove resources away from their core functions for a period of time to assist. Once this is combined with the fact that the FDU would essentially have to review and redact the same documents/information (from an FOI exemption point of view), the amount of time it would take would effectively be doubled.

Though I understand that your request is clearly not trying to be disruptive or cause annoyance, it would place pressure on resources and departments within Wiltshire Police and would impact on them delivering their services and core functions. Though again it could be seen that a disclosure would have public interest and value, I believe the detrimental impact on the public authority to have capacity to assist outweighs this.

To confirm, this Section 14(1) exemption is based on the need for multiples departments to review and redact from both strategic and FOI points of view, which overall would cause a burden on the authority and a disproportionate effort. The ICO have stated that they consider there to be a high threshold for refusing a request on such grounds, however as outlined above I believe this has been met.

In reaching this decision, Wiltshire Police has borne in mind that its underlying commitment to transparency and openness may involve absorbing a certain level of disruption and annoyance.

However, please note that Wiltshire Police has now put processes in place for the next Force Management Statement, where individual departments will submit their narrative/contributions alongside any harm they believe there would be with any part being disclosed into the public domain, such as with FOI requests.

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 14 – Vexatious or repeated requests

Section (1) does not oblige a public authority to comply with a request for information if the request is vexatious.

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,



The 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

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:

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/>