

WILTSHIRE POLICE



XXXXXXX
By email

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

Date 26th September 2023

Our Ref FOI 2023-876

Dear XXXXX,

I write in connection with your request for information dated 5th September 2023, concerning minors being blackmailed.

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:

With regards my recent FOI request which was given the reference FOI 2023-776, please release the incident reports themselves with redactions to protect personal data. If supplying all of them would mean the request would be exempt under the cost exemption please supply as many as possible starting with the most recent.

Our Response:

Wiltshire Police are unable to respond to your request for information as it is considered to be vexatious under Section 14(1) Freedom of Information Act (FOIA) 2000. Although there is no obligation on a public authority to articulate the reasons why a request is vexatious, I have decided to provide the decision making thought process for applying this exemption, along with some of the Information Commissioner's guidance on its application.

Whilst the FOIA has been designed to give the public access to information held by public authorities, Section 14(1) has been designed to protect these 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:

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'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) encourages public authorities to consider its use in any case where they believe the request is disproportionate, manifestly unjustified, inappropriate or an improper use of FOIA. This guidance can be found by following the below link:

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

When deciding whether to make a request vexatious, an authority needs to consider a number of things, not to mention the four key broad themes considered by the Upper Tribunal in Dransfield which are as follows:

1. The burden (on the public authority and its staff);
2. The motive (of the requester);
3. The value or serious purpose (of the request); and
4. Any harassment or distress (of and to staff).

Whilst not directly questioning the motive of your request, I believe that fulfilling this request would create an unnecessarily disproportionate burden on the Force compared to the value or purpose of the request. To provide context:

Whilst not exact due to only a small sample being used, a number of the relevant occurrence reports were looked at and a note was made of the number of pages per report. This was used to produce a (very) rough average for the number of pages per report, which was approximately 4 pages. If this is multiplied by the number of occurrences previously disclosed (173), this would total a rough estimate of **709 pages** worth of occurrence reports that would need to be reviewed for potential exemptions. This would divert staff from the Force Disclosure Unit away from their core functions for several hours, if not days.

Additionally, even if we went through the mammoth process of redacting each occurrence report, we believe it is perfectly feasible that a disclosure of these occurrence logs - even if they are heavily redacted - would identify the child victims and other individuals involved in the occurrences. A disclosure under FOIA is a disclosure to the public at large - to provide a disclosure of occurrence logs (albeit heavily redacted) would be placing information into the public domain that would be enough to identify the individuals involved and would therefore be exempt from disclosure under Section 40 Personal Data anyway.

Based on the above arguments, it is considered that complying with this request would be **a burden on the authority** and it is demonstrated how this **would cause a disproportionate level of disruption**. On this basis, Section 14(1) FOIA is engaged.

Section 17 of the Freedom of Information Act 2000 requires 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

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Section 1(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.

Please contact me if you would like to discuss the withheld information.

Yours sincerely,

Abigail Standidge

Phone: 01722 547081

Email: abigail.standidge@wiltshire.police.uk

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



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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 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

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 to contact them, please visit <https://ico.org.uk/global/contact-us/>

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