



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

Date: 9th November 2023

Ref: FOI 2023/1009

Dear,

I write in connection with your request for information dated 18th October 2023 concerning staff who are currently under investigation.

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 it is not possible to meet your requirements in full.

You wrote & our response:

Please can I request the following information under the Freedom of Information Act on investigations into your staff for sexual offences.

The number of your staff who are currently being investigated for indecent exposure.
[Zero.](#)

The number of your staff who are currently being investigated for sexual assault.
[2.](#)

The number of your staff who are currently being investigated for rape.
[Zero.](#)

Please note, that this request also engages a partial exemption:

[Section 40\(5\) – Personal Information](#)

[Wiltshire Police can neither confirm nor deny that it holds any further information relevant to your request as the duty in Section 1\(1\)\(a\) of the Freedom of Information Act 2000 does not apply, by virtue of Section 40\(5\) – Personal Information. This is because confirmation or denial of the information requested would constitute personal data and as a result, would contravene the first Data Protection Principle, which states in part to process personal data fairly and lawfully.](#)

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No inference can be taken from this refusal that any further information in relation to what you have requested does or does not exist.

Section 40 is a class-based, absolute exemption and for that reason there is no requirement to articulate the harm in disclosure or a requirement for the public interest test. However, there is a requirement to articulate which Data Protection Principle would be breached, and in this case, it would be Principle One (Fairness).

Section 17 of the Freedom of Information Act 2000 requires the Constabulary, when refusing to provide 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.

Exemptions applied:

Section 40(5) – Personal Information

In accordance with Section 17 of the Act, this letter acts as 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