

WILTSHIRE POLICE



Police Headquarters

London Road
DEVIZES
Wiltshire
SN10 2DN

disclosure@wiltshire.police.uk

Date: January 18, 2024

Our ref: FOI 2024/046

Reply contact name:

Dear,

I write in connection with your request for information dated 10th January 2024.

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 Force Policy Officer and Data Protect Officer at Wiltshire Police.

Your request for information has now been considered and I am able to respond as follows.

You Wrote:

Please can you send me your policy on returning items seized from a person at time of arrest

How many breaches of GDPR were reported by Wiltshire Police since August 2023 to date

Response:

Question One

This has been taken from the Seizure, Storage, Retention and Disposal of Evidential Property Policy and Procedure:

Return to owner

Victims Rights Code of Practice, Section 10.5 stipulates that; if the police took any of a victim's property as evidence, victims have the Right to get it back as soon as it is no longer required.

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In instances where property can be returned any owners of property will be established and every reasonable attempt made to contact the legal owner. When an item of property is to be returned to an owner, it will be collected by the owner from a Wiltshire Police premises in order to minimise cost and inconvenience to the organisation.

Other means of returning property to the owner may include delivery, courier, by hand or being sent to the nearest operational station for the recipient to collect.

When property is being disposed of by other means an appropriate authority entry must be recorded on Niche.

In instances where authorisation is given for disposal over the phone from the property owner, the caller's details must be obtained including the date and time of when the call was made. These details must be recorded as an OEL entry within the relevant occurrence by the call taker. Where possible the property owner should be asked to send written confirmation via the Special Property email box authorising the disposal.

If items are to be returned via post or courier a record of posting or collection will also be obtained and scanned onto the relevant occurrence on Niche. Wiltshire Police are not responsible for items damaged in the post; whilst items will be packaged sufficiently, they are sent at the owners' risk'.

In instances where property is unclaimed, a letter will be sent to the legal owner, explaining that it will be disposed of accordingly under the Police (Property) Act 1897, as amended as by the Police (Property) Act 1997 if not collected within **28 days**.

After the 28 days, disposal of the property will be acceptable under the Torts (Interference with Goods) Act 1977. Section 12 (3) states that providing the following have been met the property may subsequently be disposed of by sale or other means, in accordance with the guidelines laid down elsewhere in this guide:-

Notice has been given to the owner, of an intention to dispose of property under this section

The police have failed to trace or communicate with the owner, with the intention of giving them such notice (having taken reasonable steps to do so)

The police are reasonably satisfied that the person is the owner of the property.

Wiltshire Police will not store property on behalf of an owner or other third parties if the property is unable to be collected, or not collected following arrangements to collect. Every reasonable attempt must be made to contact owners of property using the most up-to-date contact details available on Niche. Wiltshire Police is unable to accommodate for changes of contact details that they themselves have not been notified of.

In instances where it is judged that the return of property may cause emotional distress to an individual, property will be destroyed in preference to return.

Wiltshire Police will not return property which would, if the packaging holding the items was opened, present a significant hazard to its staff.

Question Two

34 breaches

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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,

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

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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/>