

WILTSHIRE POLICE



XXXXX - By email

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

Date 25th March 2024

Our Ref FOI 2024-234

Dear XXXXX,

I write in connection with your request for information dated 24th February 2024, concerning the phrase "from the river to the sea".

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

You wrote:

- 1) What is your force's policy with regards to the phrase "From the river to the sea"?
- 2) Where your force's policy is that this statement is not always unlawful, under which circumstances could it be unlawful?
- 3) Where your force's policy is that this statement is not always unlawful, under which circumstances could it be lawful?
- 4) If there is no formal policy: please instead share any instructions, emails, or other documentation that may have been shared with officers with regards to what action should be taken when this statement is used by members of the public.

Our response:

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held.

Whilst I can confirm Wiltshire Police do hold the requested information, section 12(1) of the FOIA states:-

Keeping Wiltshire Safe

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.

The information that you are requesting, specifically for Question Four, is not stored in a way which allows for easy retrieval and Wiltshire Police does not have the search facility to automatically gather this data. To clarify, as this Question is for 'any instructions, emails or other documentation that may have been shared with officers' it would require manually searching and reading every electronic (for example emails) and physical (for example documents) file individually which is held by Wiltshire Police to see if it related to this Question. Furthermore, as there is no timeframe, this would need to be for every single piece of information held by the force. Therefore, the whole of the request should fall under the exemption of Section 12 of the Freedom of Information Act 2000.

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. Therefore the whole of the request should fall under the exemption of section 12 of the Freedom of Information Act 2000.

Please note:

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.

Forces may use different recording systems, therefore it may be possible some Forces can provide this information where others cannot.

Ordinarily under our Section 16 obligation to provide advice and assistance we would advise you of a way to refine your request to a more manageable level. Due to the difficulties in obtaining the requested information, as outlined above, I cannot think of a way in which this could be achieved. Please also note that should you refine your request to a more manageable level, they may still incite further exemptions dependent on what information we may or may not hold.

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 can provide you with is documented below:

1) What is your force's policy with regards to the phrase "From the river to the sea"?

No information held.

2) Where your force's policy is that this statement is not always unlawful, under which circumstances could it be unlawful?

No information held.

3) Where your force's policy is that this statement is not always unlawful, under which circumstances could it be lawful?

No information held.

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 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.

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

Yours sincerely,

Force Disclosure Decision Maker