

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.uk

XXXXXX – by E Mail

Date: 4th June 2024

Your ref: FOI

Our ref: FOI 2024 / 555

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 3rd June 2024 concerning XL Bully Attacks.

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 – having consulted our Business Performance Team & Dogs Section I am now able to respond as follows.

You wrote

I email you this evening to make a freedom of information request.

- 1) This request specifically asks for information of all XL bully attacks in the UK where either a human or animal has been injured or killed since 1/2/24.
- 2) I also request, under the freedom of information act, figures for reports of said dogs and the data on what, if any, action was taken on these reports.
- 3) My request, under the freedom of information act, will also cover the details for the lead times for requests for exemption information from DEFRA to confirm if these dogs hold exemption. To confirm by the statement these dogs I mean those typed and identified as XL bullies. I have been informed by DEFRA that they do not hold such figures and therefore make the request to each force separately.

Our response:

The information that you are requesting for the majority of your request (namely questions 1 and 2) is not stored in a way which permits easy retrieval.



INVESTOR IN PEOPLE

Whilst our crime recording systems are fairly sophisticated and we record certain key information in relation to a crime or incident in specific fields on our systems (which are then theoretically searchable), we do not specifically record any of the following :-

- a) The type of dog involved in an attack
- b) The type of injury received in a dog attack

This information – if it is held at all (and in some instances I am sure that it would not have been anyway) – it would only be recorded in the narrative of the occurrence log and/or in any recorded statements made by the individuals involved.

The only way to ascertain the information you require would be to locate and physically read each and every crime report and any associated paperwork that might also be retained to determine whether or not it met your criteria – and if it did – make a new record of information.

Dog Attacks are generally recorded under the following Home Office crime recording code :-

008/21 Owner or person in charge allowing dog to be dangerously out of control in any place in England & Wales (whether or not in public place) injuring any person or assistance dog

Dog on dog attacks specifically are not recorded as crimes unless the dog being attacked is specifically a service dog, so the total number of dog attacks on humans and other animals cannot be determined as some of the data is not even recorded by us.

For the time period you are requesting, Wiltshire Police have recorded 147 crimes under Home Office code 008/21.

Even allowing a very conservative 10 minutes per record to locate, read and review each of these in turn, 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.

Please also note that 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.

In addition, it should also be note that there is no obligation on an Authority to create new information where none currently exists today, simply to answer an FOI request.

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 am able to provide you are the answers documented below :-

Question 3

With regards to the lead times for requests for exemption information from DEFRA, this is data which we do not formally record anywhere. Our response to this question is therefore – **No Information Held.**

Wiltshire Polic cannot possibly answer questions regarding how long DEFRA take to process requests etc – this data can only be provided by DEFRA as they are in charge of their processes.

Ordinarily under our section 16 duty to provide advice and assistance, we would advise you how to refine your request in respect of questions 1 and 2 to a more manageable level. However, due to the difficulties outlined above, I cannot see how this can be achieved in this particular case.

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 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.

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,

Nick Penny
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 ext 62005

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.pnn.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