

**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 email

Date: 27th August 2024

Your ref: FOI

Our ref: FOI 2024 / 740

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 9th August 2024 concerning Microsoft Licensing Statement.

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:

I request that you supply me with a copy of Wiltshire Police's (WP) most recent Microsoft Licensing Statement (MLS).

I am not requesting this information to generate any business. We are not looking to buy or sell software licences, as we are no longer trading. We only want to understand how the force's Microsoft portfolio has evolved over the years and what (if any), perpetual licences are still owned.

Our response:

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

In relation to your request, Wiltshire Police confirms that whilst it holds the information requested, this information is exempt by virtue of Section 22 (information intended for future publication). This information will be uploaded to the Police and Crime Commissioners website (Contracts Register) in the near future.



INVESTOR IN PEOPLE

Section 22 is a class-based qualified exemption and there is no need to evidence the harm that could be caused by disclosure. Wiltshire Police are, however, required to carry out a public interest test which has been done below.

Public Interest Test – Section 22

Factors favouring disclosure:

Disclosure of this information would empower the public to contribute to more accurate public debate.

Factors favouring non-disclosure:

The exemption engaged in this case specifically requires that the public interest is considered in delaying the release of information that will automatically be disclosed in the future. Public funds are already used in the preparation and publication of these figures. To repeat or pre-empt these activities in response to Freedom of Information requests would not be an efficient use of resources and finance.

Balancing test:

The Section 22 exemption was specifically created to reduce the burden on public authorities when responding to Freedom of Information requests, as to provide the data rather than await it's publication would incur additional expense and would not have a significant bearing on informed public debate.

At this time, the public interest is met by the scheduled publication of this data and this outweighs any other minor benefit in an advanced disclosure. If the timescales for publication are not reasonable this would favour disclosure. In this case non-disclosure at this time is favoured as the timescales for publication are reasonable and in the foreseeable future.

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 22(1) – Information intended for future publication

In accordance with Section 17 of the Act, this letter represents 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,

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