

**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: 29th October 2024

Your ref: FOI

Our ref: FOI 2024 / 953

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 28th October 2024 concerning SAR / Rights of Access Requests.

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:**Question 1** Number of Subject Access Requests (SAR) the force received in:

2021

2022

2023

Question 2 Number of SARs complied with, within the statutory time limit in

2021

2022

2023



INVESTOR IN PEOPLE

Question 3 Number of SARs complied with in full in

2021

2022

2023

Question 4 Number of SARs part complied with in

2021

2022

2023

Question 5 Number of SARs not complied with in

2021

2022

2023

Question 6 In cases where SARs were late, part complied or not complied with how many of the subjects were active complainants (active complaints with the police – against the police) in

2021

2022

2023

Question 7 In cases where SARs were late, part complied or not complied with how many of the subjects were past complainants (past complaints with the police – against the police) in

2021

2022

2023

Additional questions (if time and resources permit):

Question 8 In cases where SARs were late what reasons were given, if any?

Question 9 In cases where SARs were part complied with, what reasons were given, if any?

Question 10 In cases where SARs were not complied with, what reasons were given, if any?

Our response:

The information that you are requesting for the majority of your request (namely questions 3,4, 5,6,and 7) is not stored in a way which permits easy retrieval.

The Force Disclosure Unit record information relevant to SAR / Rights of Access requests handled in an excel database.

Whilst a large amount of key information relevant to those requests is summarily recorded (predominantly for statistical and compliance purposes), we do not record the following specific information :-

- Whether a request is complied with in full / part or not complied with at all
- Whether any applicant is either an active or past complainant against Wiltshire Police

The ascertaining of this information would only be possible by physically accessing and reading every request 3all and attendance log made for every officer in the Force during the 3-year period you are requesting.

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.

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.

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 1

2021	471
2022	564
2023	598

Question 2

2021 445
2022 476
2023 518

Questions 3, 4 and 5

Wiltshire Police attempt to answer all SAR / Rights of Access Requests in full and within the statutory deadline of 30 days, however this is not always possible.

Examples of why a request might not be answered in full could include one - or a combination - of the following reasons :-

- The applicant has asked for 3rd party information
- Wiltshire Police no longer hold the information
- The applicant is not entitled to the information
- The information requested may have been disposed of under MOPI guidelines
- The information requested may be relevant to either an ongoing criminal investigation, an ongoing complaint or an ongoing litigation issue
- It is not practical to provide the information without releasing either 3rd party information or operationally sensitive information (generally this involves body-worn camera or CCTV footage for instance)
- The information requested has been asked for / provided before or the applicant is already in possession of it
- etc

The only reasons Wiltshire Police would refuse to comply with a request entirely would be if the applicant were abusing the SAR / Rights of Access process in some way (eg making unsubstantiated accusations against the Force or an individual within it, waging a vendetta against the Force, targeting an individual or the organisation or submitting numerous systematic requests to cause harassment to the organisation etc) OR the scope of the request is deemed too excessive and/or cost prohibitive and the applicant is not willing to refine their request to a more practical and reasonable level.

Questions 6 and 7

Wiltshire Police take their Data Protection responsibilities very seriously.

Anyone making a SAR / Right of Access Request is treated the same irrespective of whether they are a current or historical complainant or their previous history with Wiltshire Police.

Every request is assessed individually on its own merits and responded to in accordance with current ICO Rights of Access guidance and Data Protection legislation.

Questions 8, 9 and 10

All organisations/authorities have a 30-day statutory period in which to reply to SAR / Rights of Access Requests.

On occasion it may be necessary for the deadline date to be extended by a further 30 days - in line with ICO guidance - in the event that a request is particularly sizeable or problematic.

Whilst every effort is made to answer all SAR / Rights of Access Requests in full, as previously described sometimes that is not always possible or practical.

In the event that it is not possible to provide all the information that an applicant is requesting OR a request is denied in full, Wiltshire Police will always provide a full explanation as to the reasons why.

Under our Section 16 obligation to be as helpful as possible to an applicant, I would suggest you also refer to the current ICO guidance for Rights of Access which is readily accessible on line :-

[Subject access requests \(also known as SARs or right of access\) | ICO](#)

Ordinarily under our section 16 duty to provide advice and assistance, we would advise you how to refine your request in respect of questions 3,4,5,6 and 7 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