

**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: 17th December 2024

Your ref: FOI

Our ref: FOI 2024 / 1099

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 12th December 2024 concerning Application Registration Cards.

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:

How many individuals with Application Registration Cards were (a) arrested and (b) convicted in the last 12 months?

Our response:

The information that you are requesting is not stored in a way which permits easy retrieval.

Whilst our crime recording systems are fairly sophisticated, we do not hold specific fields in which we record whether anyone that is arrested holds an Application Registration Card or not.

This information - if it has been recorded at all – will only be held in (currently unsearchable) fields in our Custody system OR held manually in the narrative of either the OEL (Occurrence Entry Log) of an offence or the Custody Log of an arrestee.

Neither the narrative of the OEL or the Custody Log are currently searchable using systems we use within Wiltshire Police.



INVESTOR IN PEOPLE

The only way to ascertain the information you require for part A of your request would be to locate and read each Occurrence Log where a Non-UK National has been arrested (and the accompanying Custody Log for those particular individuals) to determine if it has been recorded that the arrestee was a non-uk national holding an ARC.

During 2023 Wiltshire Police arrested 1,221 unique Non-UK Nationals for a total of 1,463 individual crimes (with some people being arrested for more than one notifiable offence).

It should be noted that whilst this number were recorded as Non-UK Nationals, a number of these will ultimately have had a valid reason to be in the UK – either on holiday, travelling with a visa, students and those with a right to be here etc.

Given this number – and allowing a very generous 10 minutes per record to reference each OEL and Custody Log - 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.

It should also be noted that there is no obligation on an Authority to create new information where none currently exists, purely 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 B

Wiltshire Police do not hold details of Conviction Data – No Information Held.

We would recommend that you submit an FOI request directly to CPS for this particular information.

Ordinarily under our section 16 duty to provide advice and assistance, we would advise you how to refine your request in respect of question A 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