

**Force Disclosure Unit**

Wiltshire Police HQ
London Road
Devizes
Wiltshire
SN10 2DN
Tel 101 ext 62005

www.wiltshire.police.uk

disclosure@wiltshire.pnn.police.uk

XXXXXX – by email

Date: 9th January 2025

Your ref: FOI

Our ref: FOI 2025 / 017

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 6th January 2025 concerning Custody Images of Individuals not charged.

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:

With reference to any custody images of people who have not been charged or convicted that are currently being stored in your locally held database, please could you give me a breakdown by religion and ethnicity?

If the data is held, please could you give me two separate breakdowns (a column for religion and a column for ethnicity)? If information on religion is not recorded, please could you just give me a breakdown by ethnicity?

Please could you also include a brief note to indicate how long each person's image has been on the database? Additionally, if it is within the time and cost limit, please could you also include a note about whether each one has been cleared or if they are still awaiting trial?

Ideally, I'd like to get information about all images currently stored on your database at the moment, but if a timeframe is required, please could you provide information for images captured from 1 January 2020 to the date of this request?



INVESTOR IN PEOPLE

Our response:

The information that you are requesting for the majority of your request is not stored in a way which permits easy retrieval.

Normally anyone arrested and passing through our Custody Suites are photographed and their images are uploaded to our local Niche crime recording database, although this does not happen in all cases.

Whilst we can run queries on our Niche system to identify those individuals that have been arrested and then not charged, we do not hold searchable flags against their record to designate whether or not custody images were taken and saved on our systems. In some cases, individuals may be arrested before and had their image taken, but on re-arrest they didn't.

Over the last 5 years, I can confirm that 14,470 individuals have been arrested and processed through our custody suites but released without charge.

The only way to ascertain the information you require would be to manually look up their record(s) on Niche in turn and determine whether they had images taken and saved (and when).

Given the sheer number of records involved (14,470 for the time period you require), 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.

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