

WILTSHIRE POLICE



XXXXXXXXXX
By Email



Police Headquarters
London Road
DEVIZES
Wiltshire
SN10 2DN

Date 21st February 2025

Our ref FOI 2025/085

Dear XXXXXXXXX,

I write in connection with your request for information, dated 21st January 2025, concerning personal data, website tracking cookies, subject access requests and data breaches.

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.

Following receipt of your request, searches were conducted with our ICT and Complaints departments, our Force Disclosure Unit and the Data Protection Officer of Wiltshire Police.

Your request for information has now been considered and it is not possible to meet your requirements in full.

You wrote:

1. Can I have your records about sales of personal data from 2023 (01.01.2023) to 2024 (31.12.2024), including trading partners and money earned from transactions?
2. Do you use tracking cookies on your website, and can I have a list of third parties that you share personal data with?
3. Have you received any complaints about how you handle personal data? This includes collecting, storing, sharing or selling, as well as wider processing practices. Please can I view records about these complaints for 2023 and 2024?
4. How many subject access requests did you receive in the period 2023-2024, broken down by year? What types of personal data did they typically receive? For example email addresses, home addresses and telephone numbers?
5. How many data breaches have you experienced for the past 5 years (broken down by each year)?

Keeping Wiltshire Safe

Response:

- 1) No information held.
- 2) The information you are requesting is exempt by virtue of Section 21 Freedom of Information Act 2000 - Information accessible to applicant by other means.

The information you have requested is available via the following website/link:-

Cookies | Wiltshire Police

<https://www.wiltshire.police.uk/hyg/fpnwiltshire/privacy-notice/>

- 3) We have received complaints regarding the handling of personal data. The information you are requesting in the second part of this question, to view records of these complaints which constitutes personal data is exempt under Section 40(2) of the FOIA if it relates to a third party, and the disclosure to the public would contravene the data protection principles set out in Section 34 of the Data Protection Act 2018 and Article 5 of the GDPR. Section 40 is an absolute exemption and therefore there is no requirement to articulate the harm or conduct a Public Interest test.
- 4) The Force Disclosure Unit received 601 subject access requests in 2023 and 575 subject access requests in 2024. The type of data requested varied on a case by case basis but it could for instance be a copy of a crime log, statement the subject had made or a list of involvement with us as a force. The applicant is only ever furnished with their own personal data and no operational data or third party information is ever disclosed under a subject access request.

5) Harm in Confirming or Denying that Information is held

To confirm or deny whether any further information is held in respect of successful cyber-attacks resulting in Data Breaches would provide actual knowledge that where an attempt has been made, it has or has not been successful. Confirming that such information is not held may assist potential attackers by indicating that an attack had gone undetected. Equally, confirming information is held would enable understanding of where attacks have been successful, and possible weaknesses exist. Attackers may then be able to tailor their methods to increase their chances of success.

To confirm or deny whether information is held in respect of any leaked data as a result of an attack would, in effect, confirm that there had been successful cyber-attacks made against the force, which would present harm as detailed above.

Furthermore, in order to counter criminal and terrorist behaviour it is vital that the police and other agencies have the ability to work together, where necessary covertly, in order to obtain intelligence within current legislative frameworks to ensure the arrest and prosecution of offenders who commit or plan to commit acts of terrorism, whereby their modus operandi may involve cyber-attacks on secure databases. In order to achieve this goal, it is vitally important that information sharing takes place with other police forces and security bodies within the United Kingdom in order to support counter-terrorism measures in the fight to deprive terrorist networks of their ability to commit crime. To confirm or deny specific details of any breaches of information technology and security would be extremely useful to those involved

in terrorist activity as it would enable them to map vulnerable information security databases.

Public Interest Considerations

Section 24(2) National Security

Factors in favour of confirming or denying that information is held

The public are entitled to know how public funds are spent and how resources are distributed within an area of policing. To confirm information is held regarding successful cyber-attacks causing Data Breaches would enable the general public to hold the police to account ensuring all such breaches are recorded and investigated appropriately. With the call for transparency of public spending this would enable improved public debate.

Factors against confirming or denying that information is held

Security measures are put in place to protect the community we serve. As evidenced within the harm to confirm whether any cyber-attacks have been successful would highlight to terrorists and individuals intent on carrying out criminal activity vulnerabilities within the police which could be further exploited.

Taking into account the current security climate within the United Kingdom, no information (such as the citing of an exemption which confirms information pertinent to this request is held, or conversely, stating 'no information is held') which may aid a terrorist should be disclosed. To what extent this information may aid a terrorist is unknown, but it is clear that it will have an impact on a force's ability to monitor terrorist activity.

Irrespective of what information is or isn't held, the public entrust the Police Service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with what is placed into the public domain.

The cumulative effect of terrorists gathering information from various sources would be even more impactful when linked to other information gathered from various sources about terrorism. The more information disclosed over time will give a more detailed account of the tactical infrastructure of not only a force area but also the country as a whole.

Any incident that results from such a disclosure would, by default, affect National Security.

Section 31 – Law Enforcement

Factors favouring confirming or denying that information is held

Confirmation that information exists relevant to this request would lead to a better informed public which may encourage individuals to provide intelligence in order to reduce such security breaches.

Factors against confirming nor denying that information is held.

Confirmation or denial that information is held in this case would suggest the police take their responsibility to protect information and information systems from unauthorised access, destruction, etc., dismissively and inappropriately.

Balancing Test

The points above highlight the merits of confirming or denying the requested information exists. The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, information is gathered which can be highly sensitive relating to high profile investigative activity. Weakening the mechanisms used to monitor any type of criminal activity, and specifically terrorist activity would place the security of the country at an increased level of danger.

In addition anything that places that confidence at risk, no matter how generic, would undermine any trust or confidence individuals have in the Police Service. Therefore, at this moment in time, it is our opinion that for these issues the balance test favours neither confirming nor denying that information is held.

Section 17 of the Freedom of Information Act 2000 requires Wiltshire Police, when refusing to provide 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. In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice for those aspects of your request.

Exemptions applied:

- Question 2 - Section 21 Information available to the applicant by other means
- Question 3 (Part Two) - Section 40(2) – Personal Information - Section 40 is an absolute exemption and there are no requirements for any consideration of potential harm, or public interest in its application.

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,

Force 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



Keeping Wiltshire Safe

www.wiltshire.police.uk | [Facebook/wiltshirepolice](https://www.facebook.com/wiltshirepolice) | [X/@wiltshirepolice](https://twitter.com/wiltshirepolice) | [LinkedIn/company/wiltshirepolice](https://www.linkedin.com/company/wiltshirepolice)

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.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 Fol 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

Keeping Wiltshire Safe

Fax: 01625 524 510

Email: mail@ico.gsi.gov.uk

Please note that the ICO's offices will be closed for the foreseeable future and are therefore unable to receive correspondence via post.

If you should wish you contact them, please visit <https://ico.org.uk/global/contact-us/>