

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire SN10 2DN

Telephone: 101 ext 62005

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e-mail

[disclosure@wiltshire.pnn.police.uk](mailto:disclosure@wiltshire.pnn.police.uk)

Peter Rees – by email

Date 15 March 2016

Your ref FOI

Our ref FOI 2016-209

Reply contact name is Millie Rumley

Dear Peter,

I write in connection with your request for information dated 25<sup>th</sup> February 2016 concerning noise nuisances.

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 would like a copy of the report on a call made by the Police to XX XXXX road Pewsey in Feb or March 2014 concerning a noise nuisance caused in the early mornings by a number of cockerels. I believe also that there was another call to the same address about a chicken carcase being displayed on a pole outside the said premises.

**Response:**

The information you have requested is exempt from disclosure under the Freedom of Information Act 2000. The Act is primarily concerned with disclosure of information to the public. Information that constitutes personal data is exempt from disclosure by virtue of section 40(1) if it is about the applicant (you, in this case), or section 40(2) if it is about a third party and disclosure to the public would contravene the data protection principles set out in Schedule 1 of the Data Protection Act 1998.

Any individual requiring information held about them can complete a Subject Access Application Form 135 under section 7 of the Data Protection Act 1998. You are entitled to a description of the data we hold about you, the reasons we hold it and who it is likely to be disclosed to. This process allows the force to establish your identity prior to the release of any personal data.



INVESTOR IN PEOPLE

Section 40 is an absolute exemption and there are no requirements for any consideration of potential harm, or public interest in its application.

Wiltshire Police can neither confirm nor deny that it holds the information relevant to your request as the duty in section 1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of section 40(5).

Section 17 of the Freedom of Information Act 2000 requires the Constabulary, 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:

Section 40: Personal Information

Please contact me if you would like to discuss the withheld information.

Yours sincerely,

Laura North  
Senior Force Disclosure Decision Maker



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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](mailto: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](mailto:mail@ico.gsi.gov.uk)