

Website 2018-875

I write in connection with your email request for information dated 5 October 2018.

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 within the Office of the Police and Crime Commissioner. Your request for information has now been considered and I am able to respond as follows:

You wrote:

1 Do you have any guidance or policy for the public or service users to record calls when they speak to your staff or call centres Do you Inform Users they can record. If the answer is no what is the reason for this please.

2 if You have a Unacceptable Behaviour Policy and Procedure can you tell me if one of these are to object to telephone calls being recorded by the caller due to it being not necessary or unwanted or indeed the staff member feels threatened can you explain why you would have such Unacceptable Behaviour Policy and Procedure that goes against current uk law.

3 Are your staff the majority of them who answer public calls or when meeting a member of public are staff aware of the policies and the laws ref telephone recordings using the relevant laws laid down by legislation. if the answer is no why not.

4 If you have no policy advice or framework for the above will you develop a policy etc. Will you encourage the public to record a 2 way conversation if the answer is no why not.

5 What are your organizations views on charging the public in foi requests and data protection and subject access requests should their information request be free. What happens in a situation a benefit claimant or non waged person needs information what do you do to help them or someone who has no spare income. Is it fair if the public record you then they should charge you for a copy of the recording or video the same fee you charge them. Any tips and comments will help the public understand the uks public servants and business policies ref this subject.

6 What do you do and what is your policy when a serious complaint against a staff member is made when a person complains about wrong doing and has evidence of foul play in your organization will you accept covertly or permission based Audio or video evidence in the case. Do you Fully investigate under public interest laws and take note of any criminal charges. if the answer is no why not.

Response

This question does not constitute a valid request under section 8 of the Freedom of Information Act, therefore for the reasons outlined below; the request cannot be dealt with under the Freedom of Information Act 2000.

Section 8 of the Act provides:

- (1) In this Act any reference to a 'request for information' is a reference to such a request which-
  - (a) is in writing,
  - (b) states the name of the applicant and an address for correspondence, and
  - (c) describes the information requested.

- (2) For the purposes of subsection (1)(a), a request is to be treated as made in writing where the text of the request-
- (a) Is transmitted by electronic means,
  - (b) Is received in legible form, and
  - (c) Is capable of being used for subsequent reference.

A request under the Freedom of Information Act (2000) is required by statute to describe the information requested, in terms of recorded information held by the Police and Crime Commissioner for Wiltshire, as defined by Section 8 (1)(c).

The Freedom of Information Act provides the right of access to recorded information only. It does not require a public authority to answer direct questions or provide comment or opinion, unless recorded information exists which could itself answer such questions.

It is apparent from the request that a comment is being sought in regard to [efforts being made] and therefore does not describe or specify under the Act what recorded information is being requested.

In accordance with the Freedom of Information Act 2000 this response represents a Refusal Notice for this part of your request under Section 8(1)(c) of the Act.

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.

## **Freedom of Information Request Appeals Procedure**

### **1. Who Can Ask for a Review**

Any person who has requested information from the Police and Crime Commissioner for Wiltshire, 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:

Office of Police and Crime Commissioner  
London Road,  
Devizes,  
Wiltshire,  
SN10 2DN  
Email at [pcc@wiltshire.pcc.pnn.gov.uk](mailto:pcc@wiltshire.pcc.pnn.gov.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 Office of Police and Crime Commissioner (OPCC) within 42 calendar days (6 weeks) of the PCC'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 the Chief Executive or a person appointed by the Chief Executive, who is independent from the original decision maker. 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.

A review will be conducted 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 complainant will be contacted with the results 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)