

WILTSHIRE POLICE

170 Years of Public Service



Force Disclosure Unit
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Ian Jackson
Request-****whatdotheyknow.com

Date 31 August 2010

Your ref

Our ref RFI 2010-027

Reply contact name is **Andrew McConaghy**

Dear Ian

I have been asked, by the Information Commissioners Office, to conduct a review of the Wiltshire Police response to your request for information in connection with the road traffic collision at Broken Cross Railway Bridge near Salisbury on 22 September 2009.

I have reconsidered the issue of whether the information you have requested is personal data as defined by the Data Protection Act 1998 and in particular I have taken into account the decision of the Court of Appeal in the case of Durant V the FSA. In that case the Court held that for information to be considered personal data the information would need to be biographical in a significant sense, going beyond the recording of a persons involvement in an event and that the person should be the focus of the information rather than an event in which he figured.

I will not address your first two questions as I believe they have been answered to your satisfaction. In respect of your third question, whether the driver was identified, I have also taken into consideration the press release made by the Force relating to the incident, in which we stated the driver was a 22 year old male from Manchester. For clarity around your questions 4, 5, & 6 I must state that the police do not prosecute people; the Crown Prosecution Service (CPS) is responsible for the prosecution of people in England and Wales. The police's function is to gather evidence to enable the CPS to make a decision whether a person is charged and subsequently prosecuted. However, I can confirm that we do hold information relating to your questions.

You asked:

3. [In particular, did you identify the driver?](#) The driver of the car provided his identity to Wiltshire Police.
4. [Did you prosecute the driver?](#) As stated above the police do not prosecute, but I can confirm that the driver was prosecuted by the CPS.
5. [If you prosecuted the driver, for which offences and what was the outcome of the prosecution?](#) The driver was prosecuted for the offence of driving without due care and attention. He was fined and given penalty points on his driving licence.



INVESTOR IN PEOPLE

6. If you did not prosecute the driver, could you please tell me what information you have about the process by which the decision not to prosecute was reached? This question is negated by the answers above.

I trust the foregoing information satisfactorily answers your request for information and provides an informal resolution to your complaint to the Information Commissioners Office. Should you require any further assistance please contact me using the details above.

Yours sincerely,

Andrew M^cConaghy
Force Disclosure Manager