

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 19th December 2005

Name of Public Authority: Northamptonshire Police

**Address of Public Authority: Force HQ
Wootton Hall
Northampton
NN4 0JQ**

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint that on 18th March 2005 the following information was requested from Northamptonshire Police (the "Police") under section 1 of the Freedom of Information Act 2000 (the "Act"):

"The total number of tickets issued on this exact camera position during 26/02/05 and the proceeding 30 days.

The number of the above tickets that were issued to drivers of addresses more than 25 miles from Staverton."

It is alleged that:

The Police failed to provide the information requested and did not give any valid reason for not supplying the information.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

(1) The Police responded to the information request by letter dated 14th April 2005. This response stated only that the information requested would not be supplied following advice received from the Association of Chief Police Officers. This response appeared to acknowledge that the information in question was held but provided no valid reason for withholding this

information. The Commissioner is satisfied that the Police failed to comply with Part I of the Act, in that they failed to issue an adequate Refusal Notice in accordance with the requirements of section 17(1) of the Act.

Section 17(1) of the Act states:

“A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which-

(a) states that fact,

(b) specifies the exemption in question, and

(c) states (if that would not otherwise be apparent) why this exemption applies.”

(2) In response to being contacted in connection with this matter by the Information Commissioner’s Office, Northamptonshire Police have now provided to the complainant the information requested. In taking this action, Northamptonshire Police have acknowledged that their initial decision to withhold this information was incorrect. Therefore, the Commissioner is satisfied that the Police have failed to comply with Part I of the Act in that they have breached section 1(1) of the Act.

Section 1(1) of the Act states:

“Any person making a request for information to a public authority is entitled-

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

Action Required

As Northamptonshire Police have now provided to the complainant the information requested, the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by Northamptonshire Police.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the “Tribunal”). Information about the appeals process can be obtained from:

Reference: FS50074187

Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 6000 877
Fax: 0116 249 4253
Email: informationtribunal@dca.gsi.gov.uk

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 19th day of December 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF