

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 August 2012

Public Authority: Chief Constable of Northumbria Police
Address: Police Headquarters
North Road
Ponteland
Newcastle Upon Tyne
NE20 0BL

Decision (including any steps)

1. The complainant has requested information about the public authority's dealings with a named firm of solicitors. The public authority responded outside the statutory time for compliance thereby breaching the Act. The complaint is upheld but the Information Commissioner requires no steps to be taken as a response was subsequently provided.

Background

2. The request can be followed on the '*What do they know*' website¹.

Request and response

3. On 9 March 2012, the complainant wrote to the public authority and requested information in the following terms:

"Please supply all recorded information concerning following;

1. *How many times, if any, have Northumbria Police instructed*
-

¹http://www.whatdotheyknow.com/request/how_many_times_have_northumbria_2

Samuel Phillips Law Firm and or any of its Solicitors between February 2011 and February 2012.

2. Have Northumbria Police entered into any type of written or verbal contact/s and or agreement/s with Samuel Phillips Law Firm and or any of its Solicitors. If so, please supply full details.

3. Please list all amounts paid, if any, to Samuel Phillips Law Firm and or any of its Solicitors concerning any matters that relate to the Raoul Moat case.

4. Please detail reason/s for all/any payment/s regards 3 above".

4. The public authority acknowledged the request on the same day. It also stated:

"We are in the process of dealing with your request and expect to revert to you shortly. A response should be provided by 10 April 2012.

Please note this request will be aggregated with your previous request, FOI 25/12 - Samuel Philips Law Firm, due to the cost and time implications as it refers to the same subject area (Samuel Philips Law Firm)."

5. On 22 March 2012 the public authority sought further clarification from the complainant. It queried his request as follows:

"In order for us to provide you with a response to Q2 ... could you confirm if you are seeking information regarding 'verbal contact/s' or 'verbal contract/s'?"

Once clarification has been received, we can progress this part of your request".

6. On 26 March 2012 the complainant responded:

"Stop playing games, it means 'verbal contract/s, even you know that".

7. The public authority responded:

"We are legitimately seeking clarification of your request, not 'playing games'. We can not just assume that a requestor has made an error in their request and then go on to provide a response to what we 'think' they may have meant.

Your request clearly states 'verbal contact/s', therefore if we were to process your request word-for-word, as asked by you, it could, potentially, provide a different response to the information you have clarified that you are seeking".

8. In his further response of 1 April 2012 the complainant stated:

"You are playing games and also concealing information that the public, taxpayer have a right to know. You, others must account for public money that is spent.

Regards " ... requestor has made an error in their request ... " what pure poppycock, my request of 9th March 2012, as followings, was as clear as day..."

9. Further correspondence on this point followed. The Information Commissioner would like to note here that he agrees with the public authority's position and considers that its steps to clarify the request with the complaint demonstrate good practice. Were this point not clarified then compliance with the request could, as the public authority suggested, have resulted in a totally different outcome.
10. On 10 April 2012 the public authority wrote to the complainant advising that it was: *"... still researching the information held and considering whether any exemptions under the Act may apply"*. It provided a revised response date.
11. On 13 April 2012, outside the time for compliance, the public authority provided its response.
12. There is further information within the request which the Information Commissioner has not included here as it has no bearing on the complaint raised by the complainant.

Scope of the case

13. On 12 April 2012 the complainant contacted the Information Commissioner to complain about the way his request for information had been handled. He specifically stated:

"NP have not dealt with my request correctly and they have not released the non-exempt recorded information within the 20 working days. NP have not confirmed that they hold the requested information."

Reasons for decision

Section 1 – general right of access

Section 10 – time for compliance

14. Section 10(1) of FOIA provides that a public authority should comply with section 1(1) within 20 working days. Section 1(1)(a) initially requires a public authority in receipt of a request to confirm whether it holds the requested information.
15. The request was submitted on 9 March 2012 and the complainant did not receive a substantive response until 13 April 2012. A public authority is permitted to halt the required time for compliance whilst awaiting clarification from the complaint, as happened on this occasion. It is also permitted to extend the time for responding when it is considering the public interest in disclosure but it must advise the complainant accordingly and specify which exemption it is considering, which did not happen on this occasion.
16. Having taken this into consideration the Information Commissioner finds that the public authority has breached section 10(1) by failing to comply with section 1(1)(a) within the statutory time period.

Right of appeal

17. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
Arnhem House,
31, Waterloo Way,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504
Fax: 0116 249 4253
Email: informationtribunal@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

18. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
19. Any notice of appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Jon Manners
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF