

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 November 2013

Public Authority: Chief Constable of Sussex Police
Address: Sussex Police HQ
Malling House
Church Lane
Lewes
East Sussex
BN7 2DZ

Decision (including any steps ordered)

1. The complainant submitted a request to Sussex Police for an operations manual about radar devices. By the date of this notice Sussex Police had yet to provide a substantive response to this request. The Information Commissioner's decision is that Sussex Police breached section 10 of the FOIA in that it failed to provide a valid response to the request within 20 working days of receipt.
2. The Commissioner requires Sussex Police to take the following steps to ensure compliance with the legislation:
 - issue a response under the FOIA.
3. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

4. On 3 June 2013 the complainant wrote to Sussex Police and requested information in the following terms:

"The ACPO code of practice for operational of road policing enforcement policy 9.1 states that "it is vital that all radar devices are

checked in accordance with the manufacturers instruction at the start and conclusion of a tour of duty. Therefore I write to request a certified copy of the operations manual for the LTI 20.20 TS/M speedscope as used by Sussex Police."

5. Sussex Police acknowledged receipt of the request on 4 June 2013.
6. In the absence of any response the complainant wrote to Sussex Police asking it to respond.

Scope of the case

7. The complainant contacted the Commissioner on 18 July 2013 to complain about the way his request for information had been handled. He specifically asked the Commissioner to consider the fact that no substantive response had been provided.
8. The Commissioner wrote to Sussex Police on 30 July 2013 asking it to respond. In the absence of any response, he wrote again on 2 September 2013 advising that the complaint would now be investigated.
9. On 12 November 2013 the Commissioner contacted the complainant who, on 14 November 2013, confirmed he had yet to receive any response to his request.
10. No substantive response to the request had been provided by the date of this notice.

Reasons for decision

11. Section 8(1) of the FOIA states that requests for information should be in writing, bear the name and address of the applicant, and describe the information requested. The Commissioner considers that the request in this case fulfilled these criteria, and therefore constituted a valid request under the FOIA for recorded information.
12. Section 10(1) of the FOIA provides that a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt. From the information provided to the Commissioner it is evident that Sussex Police did not respond to the complainant within the statutory timeframe in respect of this request.

Conclusion

13. The Commissioner's decision is that Sussex Police did not deal with the request for information in accordance with the FOIA. It breached section 10(1) of the FOIA by failing to provide a substantive response to the request within the statutory timeframe of 20 working days. At paragraph 2 above Sussex Police is now required to respond to the request of 3 June 2013 in accordance with the FOIA.

Other matters

14. As well as finding above that Sussex Police is in breach of the FOIA, the Commissioner has also made a record of the delay in this case. This may form evidence in future enforcement action against Sussex Police should evidence from other cases suggest that there are systemic issues within Sussex Police that are causing delays.

Right of appeal

15. 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,
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

16. 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.
17. 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
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