

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 June 2015

Public Authority: South Yorkshire Police and Crime Commissioner
Address: 18 Regent Street
Barnsley
South Yorkshire
S70 2HG

Decision (including any steps ordered)

1. The complainant has requested information relating to proposed financial support of South Yorkshire Police and Crime Commissioner (SYPCC) from the Home Office.
2. SYPCC failed to respond to this request for information and the Commissioner's decision is that in doing so SYPCC breached sections 1(1) and 10(1) of the FOIA.
3. The Commissioner requires SYPCC to take the following steps to ensure compliance with the legislation.
 - Respond to the request.
4. SYPCC 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 10 December 2014, the complainant wrote to SYPCC and requested information in the following terms:

"Given it has taken so long to resolve a previous FOI request relating to the financial support from the Home Secretary/Home Office relating to Hillsborough, I now make a fresh request on the issue.

I would like any update information held on the proposed financial support from the Home Secretary/Home Office, ie any further reports, correspondence or other recorded information covering the period from September 11 (date of previous request) this year to the current day."

At the time of writing SYPCC had failed to respond substantively to the request.

Scope of the case

6. The complainant contacted the Commissioner on 15 January 2015 to complain about the failure of SYPCC to respond to his request.

Reasons for decision

7. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
8. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".
9. In this case SYPCC has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days.

Right of appeal

10. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: <http://www.justice.gov.uk/tribunals/general-regulatory-chamber>

11. 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.
12. 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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Wycliffe House
Water Lane
Wilmslow
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SK9 5AF