

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 November 2015

Public Authority: Chief Constable of Staffordshire Police

Address: Staffordshire Police Headquarters

PO Box 3167

Stafford

ST16 9JZ

Decision (including any steps ordered)

1. The complainant requested information concerning changes to pension administration within Staffordshire Police. Staffordshire Police failed to respond to these requests and in so doing breached sections 1 and 10 of the FOIA. It is now required to respond to the requests.
2. The Commissioner requires Staffordshire Police to take the following steps to ensure compliance with the legislation.
 - Respond to the requests.
3. Staffordshire Police 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

4. On 5 June 2015 the complainant wrote to Staffordshire Police and requested information in the following terms:

"Copies of protocols & procedures for Injury Awards, Dispute Resolution Procedures & Final Resort Dispute Procedure

Names of companies bidding for the Staffordshire Police pension administration tender

Evidence of how Staffordshire Police have met its obligations under due diligence

Copies of all emails, correspondence, communications relating to the pension administration changes, tender preparation & bid".

5. Staffordshire Police failed to respond to these requests.

Scope of the case

6. The complainant contacted the Commissioner on 10 September 2015 to complain about the failure by Staffordshire Police to respond to his information requests.
7. The ICO contacted Staffordshire Police to raise the issue of the complainant's requests, but this did not result in Staffordshire Police responding to the requests.

Reasons for decision

Sections 1 and 10

8. 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. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "*not later than the twentieth working day following the date of receipt*".
9. In this case Staffordshire Police has breached sections 1(1) and 10(1) by failing to respond substantively to the requests within 20 working days. At paragraph 2 above Staffordshire Police is now required to respond to the complainant's requests in accordance with the FOIA.

Other matters

10. As well as the finding above that Staffordshire Police breached the FOIA in this case, the Commissioner has also made a separate record of this breach. The Commissioner is particularly concerned that Staffordshire Police failed to provide a prompt response, even after contact from his office. This issue will be revisited should evidence from other cases suggest that there are systemic issues within Staffordshire Police that are preventing it from complying with the FOIA.

Right of appeal

11. 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>

12. 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.
13. 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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