

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 5 July 2016

**Public Authority:** Chief Constable of Greater Manchester Police

**Address:** Lawton Street  
Openshaw  
Manchester  
M11 2NS

#### Decision (including any steps ordered)

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1. The complainant has requested information about the operation of a particular traffic monitoring camera. Greater Manchester Police ("the Constabulary") has not responded to the request. The Information Commissioner's decision is that the Constabulary has breached sections 1(1) and 10(1) of the FOIA in that it has failed to provide a response to the request within the statutory time for compliance.
2. The Commissioner requires the Constabulary to issue a response to the request under the FOIA by either complying with section 1(1) or issuing a valid refusal notice.
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

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4. On 30 December 2015, as part of a wider exchange of correspondence about an alleged traffic violation, the complainant wrote to the Constabulary and requested the following information:

*"I am disputing that the traffic lights were working correctly; that the sequence or timing was out, causing the camera to trip and take photographs automatically."*

*Your email confirms that the technician checked the working sequence of the lights and they were working correctly in accordance with ACPO Guidelines ... yet you've failed to send to me a copy of the technicians certificate (or a copy of his competency certificate) to state that the engineer is qualified and has the necessary qualifications - I request a copy of the engineers/technicians competency certificate to prove that he is qualified in the testing of the equipment used the 'alleged offence' against me."*

5. At the date of this decision notice the complainant had still not received a response to this request.

### **Scope of the case**

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6. The complainant initially contacted the Commissioner on 25 January 2016 to complain that he had not received a response to this request and to an earlier request. After further correspondence with the Commissioner he confirmed on 21 March 2016 that he had still not received a response to this request.
7. The Commissioner wrote to the Constabulary on 30 March 2016 to remind it of its obligations in respect of such requests and asking it to respond to the complainant within ten working days.
8. The Commissioner did not receive a response from the Constabulary. The complainant has since confirmed to the Commissioner that he has received neither a response to the request nor a refusal notice from the Constabulary.
9. The Commissioner has therefore considered the Constabulary's compliance with section 1(1) and 10(1) of the FOIA.

### **Reasons for decision**

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10. Section 1(1) of FOIA states that:

*"1(1) Any person making a request 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."*

11. Section 10(1) of the FOIA states 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.
12. The complainant submitted the request on 30 December 2015. The twentieth working day after the date of receipt (allowing for the New Year's Day bank holiday) was 28 January 2016. As the Constabulary did not issue a response by that date – and has still not done so - it has breached section 1(1) and 10(1) of the FOIA.

### **Other matters**

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13. As well as issuing this notice, the Commissioner has made a separate record of the failure by the Constabulary to respond to the complainant's request. This issue may be revisited should evidence from other cases suggest that this is necessary.

## Right of appeal

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14. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

15. 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.
16. 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 .....

**Samantha Bracegirdle**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**