

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 27 July 2018

**Public Authority:** Chief Constable of South Yorkshire Police  
**Address:** South Yorkshire Police Headquarters  
Carbrook House  
Carbrook Hall Rd  
Sheffield  
S9 2EG

#### **Decision (including any steps ordered)**

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1. The complainant requested information about discussions that South Yorkshire Police had with various third parties relating to the forcible removal of individuals protesting the removal of trees within the city of Sheffield.
2. The Commissioner's decision is that South Yorkshire Police ("SYP") failed to respond to the entirety of the request within 20 working days and has therefore breached Section 10 of the Freedom of Information Act ("the FOIA").
3. The Commissioner requires SYP to take the following steps to ensure compliance with the legislation.
  - Issue a substantive response, under the FOIA, to part [3] of the request.
4. SYP 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

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5. On 17 January 2018, the complainant wrote to SYP and requested information in the following terms:

*"Can you please provide the following:*

- [1] The number of face-face meetings or teleconferences between SYP and/or Amey and/or Sheffield City Council where discussions or dialogue took place regarding the removal of protestors by force from zones/safety zones by SIA personnel .*
- [2] Any deliverables, notes, documents, minutes, communications, handouts created in preparation, organisation or the result of these meetings.*
- [3] Any electronic communication between between SYP and/or Amey and/or Sheffield City Council where discussions or dialogue took place regarding the removal of force from zones/safety zones. To assist and narrow your scope of search I believe the records Will have been created in January 2018, December 2017 and November 2017."*

6. SYP responded to parts [1] and [2] of the request on 13 February 2018. However, in relation to part [3], it said:

*"A response to question 3 will be provided as soon as these searches have been completed, I am anticipating this to be within 1 – 2 weeks. Your request will remain open on our systems until this is completed."*

7. In response to the complainant's chasing, SYP issued a further holding response on 19 April 2018 which stated:

*"this is a huge task and we are working as expeditiously as possible to publish the documentation."*

8. SYP had failed to provide a substantive response to part [3] of the request by the date of this notice.

## Scope of the case

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9. The complainant contacted the Commissioner on 19 April 2018 to complain about the failure, by SYP, to respond to the request.

10. In line with her usual practice, the Commissioner contacted SYP on 17 May 2018 to highlight the outstanding response. She requested that SYP respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
11. The complainant advised the Commissioner on 18 July 2018 that the response to part [3] of the request remained outstanding.
12. Given the substantial delay in responding to the request, the Commissioner is of the view that a decision notice, considering SYP's compliance with the FOIA, is appropriate in this case.

### Reasons for decision

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13. Section 1(1) of the FOIA states that:

*Any person making a request for information 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.*

14. Section 8(1) of the FOIA states:

*In this Act any reference to a "request for information" is a reference to such a request which –*

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

15. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.
16. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
17. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the entirety of the request within 20 working days, SYP has breached Section 10 of the FOIA.

## Right of appeal

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18. 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)

19. 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.
20. 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 .....**

**Ben Tomes**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**