

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 26 November 2019

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

#### Decision (including any steps ordered)

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1. The complainant requested information from Sussex Police about their adherence to the National Security System Policy.
2. The Commissioner's decision is that Sussex Police has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires Sussex Police to take the following step to ensure compliance with the legislation.
  - Sussex Police must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. Sussex Police must take this step 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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5. On 4 September 2019, the complainant wrote to Sussex Police and requested information in the following terms:

*"I wish to make a Freedom of Information request with respect to your Constabulary's adherence, or otherwise, to the National*

*Security System Policy especially with regard to the Type B Non-compliant (Non-URN) alarms, Intruder or Hold Up Alarm (HUA) activations. I would ask that the following questions are accurately responded to:*

*a) What is the command structure of the alarms department, from the issuing clerk up to a Superintendent, or high-ranking senior officer, in charge of the department?*

*b) Do the constabulary apply a further Risk Assessment policy (such as THRIVE), or something similar to those Type B activations?*

*c) If they apply such a further risk assessment to the Type B reports, do the constabulary still attend NO Type B's, based on such alarm activations already having been risk assessed in the Security Systems policy itself as unsuitable for attendance?*

*d) If c) is the case I ask that only the last 10 calls from non-compliant ARCs are checked by an individual to evidentially confirm that none of these calls were so attended.*

*e) However, if such calls at c) cause the constabulary to attend any Type B alarms (based purely on a call from a Non-compliant Alarm Receiving Centre), I request statistics from 1st April 2019 to 30th June 2019, or the last 50 calls (time period to be also stated) from Non-Compliant centres, whichever is the smaller figure. I ask that they be checked to:*

- Inform me of the total number of calls received from those Non-Compliant ARCs in the time period used. (Explanation – the policy states: 'To obtain police attendance, Type B systems will require evidence from a person at the scene that a criminal offence is in progress which indicates that a police response is required.' They should not be attended purely from a call from a Non-Compliant Alarm Receiving Centre, who would be reporting such an activation.)*

- How many of those calls were responded to by the constabulary? (in order to establish a % figure of those Type B's attended)."*

6. Sussex Police acknowledged the request on 5 September 2019. On 4 October 2019 the complainant contacted Sussex Police to ask for an update. To date, a substantive response has not been issued.

## **Scope of the case**

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7. The complainant contacted the Commissioner on 13 October 2019 to complain about Sussex Police's failure to respond to their request.

8. The Commissioner has considered whether Sussex Police has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

### Reasons for decision

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9. 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."*

10. 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"*.
11. On 30 October 2019 the Commissioner wrote to Sussex Police, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
12. Despite this intervention Sussex Police has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that Sussex Police did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Sussex Police has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

## 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@justice.gov.uk](mailto:grc@justice.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 .....**

**Phillip Angell**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**