

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 December 2019

Public Authority: Chief Constable of West Yorkshire Police

Address: West Yorkshire Police

PO Box 9

Laburnum Road

Wakefield

WF1 3QP

Decision (including any steps ordered)

1. The complainant requested information from West Yorkshire Police about their adherence to the National Security System Policy.
2. The Commissioner's decision is that West Yorkshire 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 West Yorkshire Police to take the following step to ensure compliance with the legislation.
 - West Yorkshire Police must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. West Yorkshire 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

5. On 4 September 2019, the complainant wrote to West Yorkshire 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).*

I am aware that variations occur between one constabulary and another, but these calls will be dealt with by individual

constabulary's opening codes and/or closure codes, so should not be onerous on discovering the numbers of calls and obtain the statistics whether responded to or not. I have deliberately kept the request to those calls only from Non-compliant ARCs. They will, when initially reported, all be listed under the same opening codes, being mere activations and NOT reports of a crime in progress. They must surely all come in on an emergency line, 999, (for they are trying to generate an Immediate Response by the police to the alarm activation, otherwise what would be the point of them ringing on the onerous 101 system? – it just does not happen that way).

If they come in on both 999 and 101 and are deemed too onerous to check, I am willing to accept only the 999 figures. I have phrased it this way to try and keep the matter simple and successfully obtain that batch statistics in order to draw a comparison.

Each log will be simple to check, by their nature the log will be very short and is merely a quick scan to the end to discover a comms despatcher's closure, or an officer's update - the whole log would not require reading, and I stress, they are short logs, with only around 4% being anything other than a false alarm log."

6. West Yorkshire Police acknowledged the request on 5 September 2019. To date, a substantive response has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 10 November 2019 to complain about West Yorkshire Police's failure to respond to their request.
8. The Commissioner has considered whether West Yorkshire Police has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

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 21 November 2019 the Commissioner wrote to West Yorkshire 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 West Yorkshire Police has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that West Yorkshire Police did not deal with the request for information in accordance with the FOIA. The Commissioner finds that West Yorkshire 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

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

Website: 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
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SK9 5AF