

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 July 2021

Public Authority: Chief Constable of Staffordshire Police
Address: Weston Road
Stafford
ST18 0YY

Decision (including any steps ordered)

1. The complainant requested information regarding the status of the post designated 'Mental Health Coordinator'.
2. Staffordshire Police ultimately provided the complainant with information within the scope of the request.
3. The Commissioner's decision is that, in failing to communicate that information within the statutory time for compliance, Staffordshire Police breached section 10(1) (time for compliance) of the FOIA.
4. The Commissioner requires no steps to be taken as a result of this decision.

Request and response

5. On 2 September 2020, the complainant wrote to Staffordshire Police and requested information, in the following terms:

"1: Please provide the name and full contact address of the; Department, Organisation and or Company the person designated the Mental Health Coordinator [MHC] was seconded from?"

2: Please provide the name of the Department, Organisation and or Company holding the contract for the post holder designated the MHC?"

3: What was the cost of employing this post holder for the period of the 'Secondment' and who paid for this service? Was it:"

Staffordshire Police? The OPCC [Office of the Police and Crime Commissioner]; other organisation;

if so please identify that organisation”.

6. Staffordshire Police responded on 17 September 2020, citing reference [reference 1]. It refused to provide the requested information, citing section 14(1) (vexatious request) of the FOIA.
7. The complainant requested an internal review on 12 October 2020. Staffordshire Police sent him the outcome of its internal review on 19 October 2020. It maintained its original position.

Scope of the case

8. The complainant contacted the Commissioner on 26 October 2020 to complain about the way his request for information had been handled.
9. The complainant was dissatisfied with Staffordshire Police’s handling of his request for information and believed that his request had been unfairly blocked.
10. As is her practice, the Commissioner wrote to both parties at the start of her investigation, setting out the scope.
11. Following receipt of the Commissioner’s letter setting out the scope of her investigation, Staffordshire Police confirmed that a revised response was sent to the complainant on 25 January 2021. Staffordshire Police provided the Commissioner with a copy of that correspondence. That correspondence cited reference [reference 1] and quoted the complainant’s request for information.
12. In its revised response to the complainant, Staffordshire Police acknowledged that its initial response, sent on 17 September 2020, cited section 14 (vexatious request). However, it told him that it was now in a position to provide some information, which it did so under the heading ‘Our revised response is:’. In other words, it was not relying on section 14. Accordingly, it disclosed the information it had located that fell within the scope of his request.
13. The complainant also responded promptly, advising the Commissioner that Staffordshire Police had answered some of his questions within another response to another party. He provided the Commissioner with a copy of that correspondence, dated 26 January 2021, with a reference [reference 2]. He confirmed that the disclosure of 26 January 2021 satisfies questions 2 and 3 of his request. However, he said that he remained dissatisfied with Staffordshire Police’s application of section 14

to his request and considered that question 1 of his request remained unanswered. He explained that he considered the 'secondment question' to be outstanding.

14. In his correspondence, the complainant made no reference to the revised response from Staffordshire Police to his own request, which did provide a response to question 1 in that it confirmed the name of the organisation from where the MHC had been seconded.
15. While recognising the complainant's concerns at the way in which his request for information was initially handled, the Commissioner is also mindful that, from the evidence she has seen, Staffordshire Police no longer considers section 14 applies to the request under consideration in this case. In its revised response, it responded to the request and provided the complainant with information for each of the 3 questions.
16. The complainant requested that the matter was concluded formally by way of a decision notice.
17. The analysis below considers whether Staffordshire Police complied with section 10 (time for compliance with request) of the FOIA.

Reasons for decision

18. 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.
19. Section 10(1) of the FOIA provides 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.
20. From the evidence she has seen, the Commissioner finds that Staffordshire Police breached section 10(1) of the FOIA for failing to communicate the requested information to the requester within the statutory time for compliance.

Right of appeal

21. 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: 0203 936 8963
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

22. 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.

23. 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

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