

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 April 2021

Public Authority: Chief Constable of Northumbria Police
Address: Northumbria Police Headquarters
Middle Engine Lane
Wallsend
Tyne & Wear
NE28 9NT

Decision (including any steps ordered)

1. The complainant requested information from Northumbria Police about the status of staff.
2. The Commissioner's decision is that Northumbria 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. No steps are required.

Request and response

4. On 20 January 2021, the complainant wrote to Northumbria Police and requested information in the following terms:

"The law and Police Regulations contain references to the relevant authorities in relation to the rank of the individual accused of the offence.

For instance the Statutory guidance issued by the IOPC defines one of the relevant process is only applicable if the alleged offender is over the rank of Chief Superintendent.

Unfortunately a significant number of decisions within your administration appear to be filled with civil staff i.e. not police

officers and therefore not easily identifiable in relation to the police rank structure.

Please therefore provide a list of all the positions held by non police ranked employees i.e. civil staff and list their police rank equivalent to their position.

The intent is to establish the relevant rank for civil staff in relation to the police complaint regulations."

5. Northumbria Police acknowledged the request on 21 January 2021. A reply was provided on 25 February 2021.

Scope of the case

6. The complainant contacted the Commissioner on 19 February 2021 to complain about Northumbria Police's failure to respond to their request within the statutory time frame of 20 working days.
7. The Commissioner has considered whether Northumbria Police has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

8. 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."

9. 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*".
10. From the evidence provided to the Commissioner in this case, it is clear that Northumbria Police did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Northumbria Police has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

11. 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

12. 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.
13. 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

Susan Duffy
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