

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 June 2022

Public Authority: Chief Constable of Greater Manchester Police

Address: C/o Openshaw Complex
Lawton Street
Manchester
M11 2NS

Decision (including any steps ordered)

1. The complainant has requested information from Greater Manchester Police ('GMP') relating to complaints made regarding Ashton Police Station. GMP provided the complainant with some of the requested information, however this was provided outside of the statutory time limit as set out in section 10(1) of FOIA.
2. The Commissioner's decision is that GMP has failed to comply with section 10(1) of FOIA by responding outside of 20 working days.
3. As a response has now been provided to the complainant, the Commissioner requires no steps to be taken by the public authority.

Request and response

4. On 21 May 2021, the complainant made the following request for information to GMP:

REQUEST 1

- **I would like to submit a Freedom of Information request for the number of complaints made against Ashton Police Station between the dates:**
- **1st of January 2019 - 1st of January 2020**
- **1st of January 2020 - 1st of January 2021**
- **1st of January 2021 - 21st of May 2021**

REQUEST 2

- **I would like to submit a Freedom of Information Request for the number of complaints made against all police officers stationed at Ashton Police station for the following dates:**
- **1. 1st of January 2019 - 1st of January 2020**
- **2. 1st of January 2020 - 1st of January 2021**
- **3. 1st of January 2021 - 20th of May 2021**

REQUEST 3

- **I would like to submit a Freedom of Information Request for the number of complaints made against all Police Constable Support Officers stationed at Ashton Police station for the following dates:**
- **1. 1st of January 2019 - 1st of January 2020**
- **2. 1st of January 2020 - 1st of January 2021**
- **3. 1st of January 2021 - 20th of May 2021**

REQUEST 4

- **I would like to submit a Freedom of Information Request for the number of complaints upheld against all Police Constable Support Officers stationed at Ashton Police station for the following dates:**
- **1. 1st of January 2019 - 1st of January 2020**
- **2. 1st of January 2020 - 1st of January 2021**
- **3. 1st of January 2021 - 20th of May 2021**

REQUEST 5

- **I would like to submit a Freedom of Information Request for the number of complaints upheld against all police officers stationed at Ashton Police station for the following dates:**
 - **1. 1st of January 2019 - 1st of January 2020**
 - **2. 1st of January 2020 - 1st of January 2021**
 - **3. 1st of January 2021 - 20th of May 2021**

5. GMP responded on 21 July 2021, confirming that it held the requested information and providing the complainant with some information with the following caveat:

“The data only refers to public complaints made to PSB in relation to the Tameside district or a subject shown as working at Tameside at the time of the incident. It is not possible to provide the data at case (complaint) level as each case can contain multiple allegations against multiple subjects with different outcomes.

Therefore the data is shown at allegation level.”

6. The complainant was dissatisfied with the length of time taken by GMP to respond and on 23 July 2021 sought an internal review of GMP’s handling of their request.
7. To date, the complainant still has not received a response to his request for internal review.

Scope of the case

8. The complainant first contacted the Commissioner on 12 July 2021 to complain about the non-response to their request from GMP.
9. Following correspondence from the Commissioner on 16 July 2021, GMP responded to the complainant’s request on 21 July 2021.
10. The complainant, remaining dissatisfied with the length of time taken by GMP to respond to their request, requested an internal review on 23 July 2021, of the way in which GMP had handled that request.

11. As the complainant has not received a response to his request for internal review, the Commissioner is exercising his discretion to investigate this case in the absence of such a response.
12. As the complainant has not indicated any issue with the information he received, the Commissioner's decision solely considers the length of time taken to respond to the complainant's request.

Reasons for decision

13. Section 1(1) of 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 10(1) of 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".
15. Following the Commissioner's intervention, GMP provided a response to the complainant's request on 21 July 2021, which was outside of the statutory time limit of 20 working days as set out in section 10(1) of FOIA.
16. From the evidence presented to the Commissioner in this case, it is clear that GMP did not deal with the request for information in accordance with FOIA. The Commissioner finds that GMP has breached section 10(1) by failing to provide a substantive response under FOIA within 20 working days.

Right of appeal

17. 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

18. 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.
19. 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

Deirdre Collins
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF