

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 November 2022

Public Authority: National Archives

Address: Kew
Richmond
Surrey
TW9 4DU

Decision (including any steps ordered)

1. The complainant requested information from the National Archives about a police investigation into the circumstances surrounding a death of an individual.
2. The Commissioner's decision is that the National Archives breached section 10(1) of FOIA by failing to provide a valid response to the request within its maximum statutory time frame of 30 working days. No steps are required.
3. As a response has been issued, the Commissioner does not require the National Archives to take any further steps.

Request and response

4. On 26 June 2022, the complainant made the following request for information:

"I write to ask that you please consider, as a matter of public interest, unsealing a set of materials. As I understand it, the materials consist of a Home Office record which has been closed for 84 years - an extraordinary length of time. The sealed document is one of five held in respect of former Tottenham resident [redacted name] who died on 5 October 1985 after an illegal search of her home by four Metropolitan Police officers."

5. The National Archives responded to the request for information on 27 October 2022.

Scope of the case

6. The complainant contacted the Commissioner on 7 November 2022 to complain about the National Archives' failure to respond to their request within the statutory time frame of FOIA.
7. The Commissioner therefore considers the scope of the case to be whether the National Archives complied with its obligations under section 10 (time for compliance with the request).
8. This decision notice deals purely with the timeliness of the response to the request submitted to the National Archives on 26 June 2022.

Reasons for decision

9. 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."
10. Under section 10(1) of FOIA a public authority must comply with section 1(1) – that is, confirm whether it holds requested information and communicate the information to the applicant if it is held and is not exempt information - within 20 working days following the date of receipt of the request.
11. Under the 'Freedom of Information (Time for Compliance with Request) Regulations 2004', the National Archives is granted an additional 10 working days to process requests. This is to allow the National Archives to consult with the transferring department and other bodies. This provision therefore allows the National Archives a maximum of 30 working days to provide a statutory response to a requester.
12. The complainant made their request on 26 June 2022. The National Archives responded on 27 October 2022. Even allowing for the extra time for compliance provided under section 4(2) of the Freedom of Information (Time for Compliance with Request) Regulations 2004, the National Archives breached section 10(1) of FOIA.

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

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: 0203 936 8963

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

Michael Lea
Team Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF