

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 March 2022

Public Authority: The Chief Constable of Devon and Cornwall Police

Address: Police Headquarters
Middlemoor
Exeter
Devon
EX2 7HQ

Decision (including any steps ordered)

1. The complainant requested from the Chief Constable of Devon and Cornwall Police ("Devon and Cornwall Police") information relating to firearm licences and shotgun certificates.
2. The Commissioner's decision is that Devon and Cornwall 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. As a response to the request has been provided no steps are required.

Request and response

4. On 8 January 2022, the complainant wrote to Devon and Cornwall Police and requested information in the following terms:

"I am making this request in accordance with section 1 of the Freedom of Information Act 2000.

Please provide the following information in relation to firearms licences and shotgun certificates granted by your force.

1. The number of firearms licence holders and shotgun certificate holders who have complained that the details on licences or certificates issued to them by Devon and Cornwall Police were incorrect or omitted. Please provide this information as a monthly breakdown from 1st January 2020 to the present date.
2. The number of firearms licence holders and shotgun certificate holders who have voluntarily surrendered their firearms or shotguns at the request of Devon and Cornwall Police between 12th August 2021 and the present date.
3. The number of firearms and shotguns voluntarily surrendered at the request of Devon and Cornwall Police between 12th August 2021 and the present date.
4. For comparison purposes, the number of firearms licence holders and shotgun certificate holders who have voluntarily surrendered their firearms or shotguns at the request of Devon and Cornwall Police between 12th August 2020 and 31st January 2021.
5. For comparison purposes, the number of firearms or shotguns voluntarily surrendered at the request of Devon and Cornwall Police between 12th August 2020 and 31st January 2021.

The significance of 12th August 2021 is that it was the date of the Keyham shooting, from which date I am led to believe Devon and Cornwall Police has been removing lawfully held firearms and shotguns from perfectly law-abiding firearms licence and shotgun certificate holders.

In accordance with section 11 of the Act, please provide your response in electronic format to the return email address associated with this request."

5. Devon and Cornwall Police wrote to the complainant on 8 January 2022 to acknowledge the request.
6. The complainant contacted the Commissioner on 24 February 2022 to complain about Devon and Cornwall Police's failure to respond to their request.
7. On 2 March 2022 the Commissioner wrote to Devon and Cornwall Police, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.

8. Devon and Cornwall Police provided the complainant with a substantive response to their request on 4 March 2022.

Scope of the case

9. The complainant contacted the Commissioner on 4 March 2022 to request a decision notice considering Devon and Cornwall Police's compliance with the FOIA.
10. The Commissioner has considered whether Devon and Cornwall Police has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

11. 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."
12. 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".
13. From the evidence provided to the Commissioner in this case, it is clear that Devon and Cornwall Police did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Devon and Cornwall Police 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
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF