

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 August 2012

Public Authority: The Chief Constable of West Yorkshire
Address: Police Headquarters
Laburnum Road
Wakefield
WF1 3QP

Decision (including any steps)

1. The complainant has requested information about revenue received by the public authority from what she termed 'all sources'. The public authority relied on section 12 to withhold the information. The complainant did not ask it to reconsider this aspect of its response, however, she did complain about the length of time taken by the public authority to respond to her request. The Information Commissioner finds that the public authority did breach the FOIA but he does not require the public authority to take any steps.

Background

2. The complainant's request can be followed on the '*what do they know*' website¹.

Request and response

3. On 2 March 2012, the complainant wrote to the public authority and requested information in the following terms:

¹[http://www.whatdotheyknow.com/request/revenues_received_from_all_sou
rc](http://www.whatdotheyknow.com/request/revenues_received_from_all_sources)

"Under the Freedom of Information Act, for the years 2006 to 2011 would you please fully disclose:

(a) How much revenue has been received by the police force for services rendered by way of private investigations, bailiff/eviction type services, or by any other method of paid services, work performed, or contractual [sic] agreements made to business, private individuals, or organisations of any kind?

(b) Please outline the type of work or service rendered, in each case and disclose the revenue received for each type of service.

(c) How much revenue has been generated by the force for endorsements of any kind?

(d) Please indicate the types of products/services that the force endorsed for remuneration/financial benefit/fee and the revenue received.

(e) Please indicate total revenues from all sources, and break them down into categories.

(f) How many manpower hours per year, in total, have been devoted to privately paid services/contractual work?"

4. The public authority acknowledged the request on 5 March 2012. On 3 April 2012 it wrote to advise that it was considering the public interest in disclosure and was therefore extending the response time by a further 20 working days. It did not cite any exemption.
5. On 4 April 2012, prior to receiving a formal response, the complainant sought an internal review regarding the length of time taken to deal with her request.
6. On 13 April 2012 the public authority acknowledged the request for internal review.
7. On 2 May 2012 the public authority provided a response to the request. It advised the complainant that it believed she was acting in concert with another party and that it would therefore be aggregating costs for dealing with both his and her requests for similar information. It went on to advise that to comply with the request would exceed the appropriate limit and it explained how the costs threshold would be exceeded. It also provided advice regarding vexatious requests, although it did not rely on this section.

8. On 8 May 2012 the complainant sought a further internal review. She complained about the length of time taken to respond and also asked for the public authority to consider a *"veiled threat about vexatiousness, which was totally unwarranted"*, saying it was *"very offensive"* and *"definitely a threat"*.
9. The public authority acknowledged this on 9 May 2012. In its response of 1 June 2012 the public authority advised her that: *"the reference in the letter to Section 14 ... was merely offered as advice"*. It stated that it was: *"sorry that [she] felt that the message was threatening"* and that *"it was certainly not the intention"*.
10. A subsequent refined request (which can be viewed in the same *'what do they know'* string) was passed to West Yorkshire Police Authority to deal with and the requested information was disclosed in full.

Scope of the case

11. On 2 May 2012 the complainant contacted the Information Commissioner to complain about the way her request for information had been handled. This predates her latter request for an internal review, however, as it only concerns timeliness in dealing with the request, the Information Commissioner has used his discretion and investigated this element.
12. The complainant has also raised other issues which cannot be determined by decision notice.

Reasons for decision

Section 10 – time for compliance

13. Section 10(1) of FOIA provides that a public authority should comply with section 1(1) within 20 working days. Section 1(1)(a) initially requires a public authority in receipt of a request to confirm whether it holds the requested information.
14. The request was submitted on 2 March 2012. The Information Commissioner notes that further clarification was sought, and provided, but the complainant did not receive a full response, which confirmed that provision of the information would exceed the appropriate limit, until 2 May 2012. The Information Commissioner therefore finds that the public authority has breached section 10(1) by failing to comply with section 1(1)(a) within the statutory time period.

Section 17 – refusal of request

15. The public authority wrote to the complainant to extend the time for compliance with the request in order to consider the public interest in disclosure; it did not state any exemption. Furthermore, it went on to cite an exemption which does not require a public interest test. This is in breach of section 17(1) of the Act.
16. Section 17(5) of the FOIA states that a public authority relying on a claim that section 12 or 14 applies must give the applicant a notice stating that fact within 20 working days of receipt of the request. In failing to do so it breached this section.

Other matters

17. Although they do not form part of this decision notice the Information Commissioner wishes to highlight the following matters.
18. The complainant is unhappy that the public authority did not understand her request and believes that it *“pretended not to understand”*. The Information Commissioner has read the request objectively and believes it was prudent for the public authority to seek clarification from the complainant to ensure it was considering the correct information. For example, the request did not contain any dates so it was not able to speculate about what would satisfy the request without making further enquiries.
19. The complainant also stated to the Information Commissioner that she was complaining mostly about what she perceived to be *“threats about their intent to accuse me of being vexatious”*, saying this was *“offensive”*.
20. The Information Commissioner would like to clarify to the complainant that it is a request that is ‘vexatious’, not the requester. Bearing in mind that the request was not actually classed as being ‘vexatious’ in this case, he considers it good practice for the public authority to explain to the complainant what its future intentions may be in relation to subsequent requests received. He further notes that the public authority cited directly from his own guidance, providing the complainant with links to the same.

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: 0300 1234504
Fax: 0116 249 4253
Email: informationtribunal@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

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

Jon Manners
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF