

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 25th November 2005

Name of Public Authority: Crown Prosecution Service

Address of Public Authority: 50 Ludgate Hill
London
EC4M 7EX

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 28th March the following information was requested from Lincolnshire Crown Prosecution Service (CPS) under section 1 of the Freedom of Information Act 2000 (the "Act"):

Twenty-three items concerning Gatsometer BV Type 24 Cameras, including their specifications, installation and maintenance of such cameras and photographs taken by them.

In addition, on 20th April 2005, the complainant requested further information under section 1 of the Act, namely:

"All correspondence from all departments at Lincoln CPS relating to my case".

It is alleged that the CPS did not respond to the request within 20 working days.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision on the specific issue as to time for compliance is as follows:

Lincolnshire CPS responded to the complainant's request by letter dated 3rd October 2005. This response stated that the majority of the information requested was not held by Lincolnshire CPS, and that some of the other information had been supplied by way of two certificates dated 25th January

2005 and 11th May 2005. As for the remainder of the information requested, the letter of 3rd October constituted a refusal notice in accordance with the requirements prescribed by section 17 of the Act, in which the failure to comply within the statutory time limit is acknowledged.

In failing to respond to the complainant's requests dated 28th March and 20th April 2005 until 3rd October 2005, the CPS did not deal with the request in accordance with the requirements of Part I of the Act in that it failed to comply with section 10(1).

Section 10(1) states: "...a public authority must comply with section 1(1) promptly and in any event, not later than the twentieth working day following the date of receipt."

Action Required

Whilst recognising that a breach of the Act has occurred, in light of the fact that the Crown Prosecution Service responded to the complainant's request on 3rd October, the Information Commissioner does not require any further steps to be taken in respect of the section 10 breach.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 25th day of November 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF