

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 February 2015

Public Authority: Independent Police Complaints Commission
Address: 90 High Holborn
London
WC1V 6BH

Decision (including any steps ordered)

1. The complainant requested information relating to an investigation being carried out by the Independent Police Complaints Commission.
2. The Independent Police Complaints Commission (IPCC) failed to respond to this request for information and the Commissioner's decision is that in doing so the IPCC breached sections 1(1) and 10(1) of the Freedom of Information Act 2000 (FOIA).
3. The Commissioner requires the IPCC to take the following steps to ensure compliance with the legislation.
 - Respond to the request.
4. The IPCC must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the FOIA and may be dealt with as a contempt of court.

Request and response

5. On 29 October 2014, the complainant wrote to the IPCC and requested information in the following terms:

"Please provide a copy of the terms of reference for the independent investigation being carried out by the IPCC in relation to the case of [name redacted] and Surrey Police.

If not included in the above please disclose the nature of the gross misconduct issues being investigated.

Please disclose the name of the lead investigator and the commissioner in charge of the investigation."

6. At the time of writing the IPCC had failed to respond substantively to the request.

Scope of the case

7. The complainant contacted the Commissioner on 7 January 2015 to complain about the failure of the IPCC to respond to his request.

Reasons for decision

8. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
9. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".
10. In this case the IPCC has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days.

Right of appeal

11. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: <http://www.justice.gov.uk/tribunals/general-regulatory-chamber>

12. 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.
13. 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
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Wilmslow
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SK9 5AF