

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 May 2017

Public Authority: Chief Constable of Sussex Police
Address: Sussex Police Headquarters
Malling House
Church Lane
Lewes
BN7 2DZ

Decision (including any steps ordered)

1. The complainant has requested information about the deployment of PCSOs in Lewes. Sussex Police failed to respond to this request for information within the statutory time for compliance.
2. The Commissioner's decision is that Sussex Police breached section 10(1) of the FOIA in its handling of the request.
3. The information has now been disclosed to the complainant, and so the Commissioner requires no steps to be taken.

Request and response

4. On 23 January 2017, the complainant wrote to Sussex Police and requested information in the following terms:

"1. I see from the Sussex Police website there are currently ten PCSOs deployable in the Lewes District. Please can you confirm that the same number of PCSOs were working in the Lewes District during July, August and September 2016?"

The next two questions asked for information about PCSOs deployed specifically in the town of Lewes and not Lewes District

- 2. Please can you show the shift pattern when PCSOs were present and working in the town of Lewes from the beginning of July,*

through August and to the end of September 2016? If there is no shift pattern, could you please show detail of when PCSOs were present to work in Lewes? For privacy, I do not need any names

3. Please can this detail show how many PCSOs were present in the town at those times and the duration of the shifts or period of work?"

5. Sussex Police acknowledged receipt of the request on 30 January 2017. It responded to the request on 9 March 2017.

Scope of the case

6. The complainant contacted the Commissioner on 1 March 2017 to complain about the way her request for information had been handled. At that point she had not received a response to the request.
7. The Commissioner has considered whether Sussex Police dealt with this request in accordance with its obligations under section 10(1) of the FOIA.

Reasons for decision

8. Section 1(1) of the FOIA provides 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."

9. Section 10(1) of the FOIA provides that:

"Subject to subsections (2) and (3), 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."

10. The request was made on 23 January 2017 and sent by second class post and the response was not provided until 9 March 2017. The Commissioner therefore finds that Sussex Police breached section 10(1) of the FOIA in failing to respond to the request within 20 working days.

Other matters

11. Sussex Police told the complainant that the date of receipt of the request was 30 January 2017, from which it calculated it was permitted a further 20 working days in which to respond. The complainant considered that the date of receipt must be incorrect, as she had posted the request seven days earlier and believed it would have reached Sussex Police sooner.
12. The Commissioner notes that second class mail has a target delivery time of between two and three working days, with the Royal Mail website¹ stating:

"We aim to deliver 98% of 2nd Class items within three working days of posting".
13. Delivery is therefore not guaranteed within three working days, and the Commissioner cannot exclude the possibility that the letter was simply slightly delayed in reaching Sussex Police.
14. For the avoidance of doubt, the Commissioner would recommend requesters use a tracked or signed-for postal service if they wish to verify the precise date on which a posted request for information is received by a public authority.

¹ <http://www.royalmail.com/personal/uk-delivery/2nd-class-mail>

Right of appeal

15. 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: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. 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.
17. 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

Samantha Bracegirdle
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Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
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SK9 5AF