

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 May 2018

Public Authority: Chief Constable of Kent Police
Address: Kent Police Headquarters
Sutton Road
Maidstone
Kent
ME15 9BZ

Decision (including any steps ordered)

1. The complainant has requested information about unsolved crimes from Kent Police; to date he has not received a substantive response. The Commissioner's decision is that Kent Police breached sections 1 and 10 of the FOIA in that it failed to provide a valid response to the request within 20 working days of receipt. She requires it to comply with the request or issue a valid refusal notice as set out in section 17 of the FOIA.
2. Kent Police 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

3. On 30 January 2018 the complainant wrote to Kent Police and requested information in the following terms:

"Please disclose the number of crimes that remain unsolved after 12 months of having a crime reference number issued for the years 2015, 2016 and 2017.

Also, please provide the numbers for the crimes which remain unsolved after 12 months of having a crime reference number issued by the category of the crime.

Finally, would you be able to break down the location of the crime by Kent town?

Please make this information available in an Excel document in an email ..."

4. On the same day, Kent Police wrote to the complainant to explain that it does not use the term 'unsolved' as a recorded outcome for crimes. Instead, it provided him with a link to a Home Office publication which lists details of all 'outcome' terms which can be used for closing crime reports which are no longer active investigations. It asked him to clarify which outcome would be most relevant to his request, advising that his request would be put 'on hold' until it heard from him.
5. On 31 January 2018 the complainant wrote to Kent Police clarifying his request as follows:

"In light of the guidance you have shared with me on the matter of my request, I wish to alter its wording.

Please consider that I am asking about outcome 18 from the list relevant from April 2014 which reads as follows:

'Investigation complete – no suspect identified. Crime investigated as far as reasonably possible – case closed pending further investigative opportunities becoming available'.

Would you please advise of my altered date of return for the data from this request?"

6. Kent Police acknowledged this revised request and advised that his response date was 28 February 2018. It also advised that there might be a delay as it was dealing with a large number of requests.
7. On 28 February 2018 the complainant wrote to Kent Police to chase up a response to his request. He did not receive a response.

Scope of the case

8. The complainant contacted the Commissioner on 20 March 2018 to complain about the lack of response to his request for information
9. The Commissioner contacted Kent Police on 12 April 2018 to query the non-response. This was acknowledged on the same day, however, no substantive response to the request had been provided by the date of this notice.

Reasons for decision

Section 1 – general right of access

Section 10 - time for compliance

10. 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.
11. Section 10(1) of the FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
12. The Commissioner has considered whether Kent Police has responded to the request of 31 January 2018 in line with the provisions of the FOIA.
13. From the information provided to the Commissioner in this case it is evident that Kent Police did not deal with the request for information in accordance with the FOIA. In this case, Kent Police has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days.
14. Kent Police is now required to respond to the request of 31 January 2018 in accordance with the FOIA.

Other matters

15. As well as finding above that Kent Police is in breach of the FOIA, the Commissioner has also made a record of the delay in this case. This may form evidence in future enforcement action against Kent Police should evidence from other cases suggest there are systemic issues that are causing delays.

Right of appeal

16. 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

17. 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.
18. 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

Carolyn Howes
Senior Case Officer
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Wycliffe House
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Wilmslow
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SK9 5AF