

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 July 2019

Public Authority: Chief Constable of Humberside Police

Address: Humberside Police HQ
Priory Road
Hull
HU5 5SF

Decision (including any steps ordered)

1. The complainant requested information about the total police hours spent in each local authority between April 2018 and April 2019.
2. The Commissioner's decision is that Humberside Police has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires Humberside Police to take the following step to ensure compliance with the legislation.
 - Humberside Police must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. Humberside Police must take this step 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 24 March 2019, the complainant wrote to Humberside Police and requested information in the following terms:

"Please disclose total police hours spent in each local authority for the year April 2018 until April 2019. Please show this per station."

6. Humberside Police acknowledged the request on 24 March 2019. On 24 April 2019 the complainant contacted Humberside Police to inform them that he had not yet received a response. To date, a substantive response has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 2 June 2019 to complain about Humberside Police's failure to respond to their request.
8. The Commissioner has considered whether Humberside Police has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

9. Section 1(1) of the FOIA states 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."

10. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt"*.
11. On 17 June 2019 the Commissioner wrote to Humberside Police, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
12. Despite this intervention Humberside Police has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that Humberside Police did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Humberside Police has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

Reference: FS50847659

Right of appeal

14. 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@justice.gov.uk

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

15. 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.
16. 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

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