

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 September 2020

Public Authority: Northern Ireland Policing Board
Address: Waterside Tower
31 Clarendon Road
Belfast
BT1 3BG

Decision (including any steps ordered)

1. The complainant requested information about retrospective injury on duty awards. The Northern Ireland Policing Board ("the Board") had failed to respond to the request at the date of this notice.
2. The Commissioner's decision is that the Board failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the Board to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to the request.
4. The Board 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 4 June 2020, the complainant contacted the Board via the whatdotheyknow.com website and requested information in the following terms:

"Since 1st January 2004 to date how many new applications have been made for retrospective injury on duty award."

*"How many have been successful and lead to an award at SMP stage.
How many have been refused but awarded at IMR appeal.
How many were awarded after reconsideration
How many were closed with no award
and how many took in excess of five years to resolve
How many cases from 2014 or before are still current or been the
subject of fresh applications."*

6. The Board acknowledged the request on 4 June 2020 but had failed to provide a substantive response by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner on 6 August 2020 to complain about the failure, by the Board, to respond to the request.
8. In line with her usual practice, the Commissioner contacted the Board on 8 September 2020 to highlight the outstanding response. She requested that the Board respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
9. The complainant contacted the Commissioner on 23 September 2020 to request a decision notice considering the Board's compliance with the FOIA.
10. The scope of this notice and the following analysis is to consider whether Board has complied with section 10 of the FOIA.

Reasons for decision

11. 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.*

12. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) *is in writing,*
 - (b) *states the name of the applicant and an address for correspondence, and*
 - (c) *describes the information requested.*

- 13. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

- 14. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

- 15. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the Board has breached section 10 of the FOIA.

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@justice.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

Phillip Angel
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