

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 October 2021

Public Authority: Chief Constable of Greater Manchester Police

Address: GMP Headquarters
Central Park
Northampton Road
Manchester
M40 5BP

Decision (including any steps ordered)

1. The complainant requested information from Greater Manchester Police ("GMP") about civil cases brought against GMP and the corresponding cost to the tax payer between 2018 and 2019.
2. The Commissioner's decision is that GMP failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires GMP to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response to the request in accordance with its obligations under the FOIA.
4. GMP 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 23 July 2021, the complainant wrote to GMP to request information under the Freedom of Information Act in the following terms:

"I would like to submit a Freedom of Information request for the amount of cost to the taxpayer in relation to civil cases brought against Greater Manchester Police for each tax year since and including the year beginning two thousand and eighteen to two thousand and nineteen.

I would further like to submit a Freedom of Information request for the number of civil cases brought against Greater Manchester Police for each year since and including the year beginning two thousand and eighteen to two thousand and nineteen as well as the status/outcome of these cases."

6. On 13 August 2021, the complainant wrote to GMP to request an update on their request.
7. GMP wrote to the complainant on 16 August 2021 to acknowledge the request and provide a reference number.
8. On 23 August 2021, the complainant wrote to GMP again for an update on their request.
9. By the date of this notice, GMP had not provided a substantive response to the request.

Scope of the case

10. The complainant contacted the Commissioner on 25 August 2021 to complain about GMP's failure to respond to the request.
11. The Commissioner contacted the GMP on 20 September 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days. The correspondence was neither acknowledged nor responded to.
12. The Commissioner also contacted the complainant on 20 September 2021 to explain that GMP had been given 10 working days from that date within which to provide a response to their request.
13. The scope of this notice and the following analysis is to consider whether the GMP has complied with section 10 of the FOIA.

Reasons for decision

14. 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.*

15. Section 10(1) 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.*"

16. GMP did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that GMP has breached section 10 of the FOIA.

Right of appeal

17. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

18. 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.
19. 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

Susan Duffy
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF