

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 October 2021

Public Authority: Chief Constable of Nottinghamshire
Constabulary

Address: Nottinghamshire Police HQ
Sherwood Lodge
Nottingham
NG5 8PP

Decision (including any steps ordered)

1. The complainant requested information from Nottinghamshire Police about domestic abuse procedure documents. By the date of this notice Nottinghamshire Police had failed to provide a substantive response to this request.
2. The Commissioner's decision is that Nottinghamshire 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 Nottinghamshire Police to take the following steps to ensure compliance with the legislation.
 - Respond to the complainant's request in accordance with the FOIA.
4. Nottinghamshire 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 20 July 2021, the complainant wrote to Nottinghamshire Police and requested information in the following terms:

"Dear Freedom of Information (Notts Police)

Thank you for your response to my request of 12 July.

By way of follow-up, could you please supply me with an electronic copy of the document – PD 084, version 8.0 – to which you refer."

6. To date, a substantive response has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 22 September 2021 to complain about the failure by Nottinghamshire Police to respond to their request.
8. The Commissioner has considered whether Nottinghamshire 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 11 October 2021, the Commissioner wrote to Nottinghamshire Police, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 20 working days.
12. Despite this intervention the Cabinet Office has failed to respond to the complainant.

13. From the evidence provided to the Commissioner in this case, it is clear that Nottinghamshire Police did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Nottinghamshire 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.

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: 0203 936 8963
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

Catherine Fletcher
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Water Lane
Wilmslow
Cheshire
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