

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 February 2021

Public Authority: Chief Constable of Sussex Police
Address: Sussex Police Headquarters
Malling House
Church Lane
Lewes
East Sussex
BN7 2DZ

Decision (including any steps ordered)

1. The complainant requested from the Chief Constable of Sussex Police ("Sussex Police") information relating to Sussex Police's implementation of schedule 7 of the Terrorism Act 2000. By the date of this notice Sussex Police had not provided a substantive response to this request.
2. The Commissioner's decision is that Sussex Police has failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires Sussex Police 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. Sussex 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 23 July 2021, the complainant wrote to Sussex Police and requested information in the following terms:

"I am writing to you under the Freedom of Information Act 2000 to request the following information:

You kindly sent me your force's Schedule 7 form (attached), which is used to examine people at ports and borders under the 2000 Terrorism Act. Please could you provide me with the following:

- 1) The total number of Schedule 7 examinations your force conducted in the periods 1 July 2015 to 31 August 2015, 1 July 2016 to 31 August 2016, 1 July 2017 to 31 August 2017, 1 July 2018 to 31 August 2018, and 1 July 2019 to 31 August 2019. I would like this information presented by year and in an Excel spreadsheet.*
 - 2) The total number of Schedule 7 examinations where someone was asked to state their religion for the time periods 1 July 2015 to 31 August 2015, 1 July 2016 to 31 August 2016, 1 July 2017 to 31 August 2017, 1 July 2018 to 31 August 2018, and 1 July 2019 to 31 August 2019. I would like this information presented by year and in two columns: total number of Schedule 7 examinations where religion was asked for (e.g. 30), that latter number broken down by provided religion (e.g. Christian: 10, Jewish: 10, Muslim: 10). Please also provide this in an Excel spreadsheet."*
6. Sussex Police wrote to the complainant on 23 July 2020 to acknowledge the request.
7. On 4 September 2020, as the complainant had not received a response, she wrote to Sussex Police to ask for an update on the status of her request.
8. The complainant wrote to Sussex Police on 23 November 2020 to ask for a further update on the status of her request.
9. On 22 December 2020, as the complainant had not received a response to her request she wrote to Sussex Police to inform it that she had submitted a complaint to the ICO. By the date of this notice Sussex Police had not responded to the complainant.

Scope of the case

10. The complainant contacted the Commissioner on 22 December 2020 to complain about Sussex Police's failure to respond to her request.
11. The Commissioner contacted Sussex Police on 20 January 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
12. The Commissioner also contacted the complainant on 20 January 2021 to explain that Sussex Police had been given 10 working days from that date within which to provide a response to their request.
13. The complainant has provided evidence that she has received an acknowledgement from Sussex Police but, by the date of this notice, had not received a substantive response to her information request.
14. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

Reasons for decision

15. Section 10 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.*

16. The Commissioner considers that the request in question fulfilled the above criteria and therefore constituted a valid request for recorded information under the FOIA.
17. 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.*"
18. Sussex Police did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that Sussex Police has breached section 10 of the FOIA.

Right of appeal

19. 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

20. 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.
21. 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

Ben Tomes
Team Manager
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Wycliffe House
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Wilmslow
Cheshire
SK9 5AF