

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 November 2022

Public Authority: Police and Crime Commissioner for Thames Valley

Address: Police Headquarters
Oxford Road
Kidlington
Oxfordshire
OX5 2NX

Decision (including any steps ordered)

1. The complainant has requested from the Police and Crime Commissioner for Thames Valley ('the PCC'), information about the Police and Crime Commissioner's job. The PCC disclosed some information but refused part of the request on the grounds that it was not a valid request for recorded information under section 8 of FOIA.
2. The Commissioner's decision is that the PCC was entitled to rely on section 8(1)(c) of FOIA to refuse the request.
3. The Commissioner requires no steps as a result of this decision.

Request and response

4. On 18 March 2022, the complainant wrote to the PCC and requested information in the following terms:

"Included with my Council Tax Demand Notice for 2022/2023 is your leaflet which prompts me to ask a number of questions. It would be appreciated if you could answer the following:

1. What is your annual salary?
2. What is the amount of expenses you claimed in the last financial year?
3. What is are the annual cost of your department, to include all staff and their costs?
4. As PCC, what added value to the residents of the Thames Valley Police area do you bring?"
5. The PCC responded on 12 April 2022. It disclosed the information requested at parts (1) – (3) of the request. It said it had referred part (4) of the request to the Police and Crime Commissioner himself, "for his information and attention".
6. The complainant asked that part (4) of the request be responded to under FOIA. The PCC refused, explaining that it was not a valid request for information within the meaning of section 8 of FOIA. It maintained this position at internal review.

Reasons for decision

Section 8 – request for information

7. Section 8(1) of FOIA defines a valid request for information under FOIA as 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.
8. Section 84 (Interpretation) of FOIA defines "information" as "...information recorded in any form".
9. Therefore, in order to constitute a valid request for information under FOIA, not only must the complainant's request satisfy the criteria in section 8 of FOIA, but it must also be a request for recorded information.
10. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of FOIA, which gives the public a general right of

access to recorded information held by public authorities. However, FOIA does not require public authorities to generate information or to answer questions, provide explanations or give opinions, unless these are already held as recorded information.

11. The request in this case was made in writing and the complainant provided an address for correspondence. It follows that the only issue remaining for the Commissioner to consider is its validity in respect of whether it describes recorded information.
12. The Commissioner considers that a request will meet the requirements of section 8(1)(c) if it contains a sufficient description of the recorded information required.
13. Having specific regard to the wording of part (4) of the complainant's request (which asks to know what "added value" the Police and Crime Commissioner brings to the local area) the Commissioner is not satisfied that it is a valid request for recorded information. This is because it does not adequately set out a description of the recorded information being sought by the requester. Rather, it seeks an opinion on, or an explanation of, what benefit the Police and Crime Commissioner brings to the area. This is not a request for anything which could be considered to already exist in the form of recorded information (in contrast to the first three questions of the request, which clearly were). The PCC has confirmed to the Commissioner that it does not already hold recorded information which it could provide in response to part (4) of the request.
14. As set out above, the FOIA does not require public authorities to provide explanations or give opinions, unless they are already held as recorded information.
15. Since the Commissioner is satisfied that, for the above stated reasons, part (4) of the request was not a request for recorded information, it was not a valid request under section 8(1)(c) of FOIA, and the PCC was under no obligation to respond to it under 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

Samantha Bracegirdle
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Information Commissioner's Office
Wycliffe House
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Wilmslow
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SK9 5AF