

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 August 2022

Public Authority: Chief Constable of Northumbria Police

Address: Force Headquarters
Ponteland
Newcastle upon Tyne
NE20 0BL

Decision (including any steps ordered)

1. The complainant has requested a specific case file. At the date of this notice Northumbria Police has not provided a response to the request.
2. The Commissioner's decision is as follows:
 - Northumbria Police has breached section 10(1) of FOIA as it has not responded to the request within the required timescale.
3. The Commissioner requires Northumbria Police to take the following step to ensure compliance with the legislation:
 - Provide a response to the complainant's request of 12 April 2022 that complies with FOIA.
4. Northumbria Police must take this step 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 9 May 2022 the complainant wrote to Northumbria Police and requested information in the following terms:

"I made an FOI request several weeks ago and have heard nothing since. Could you please update me as to progress.

The request was for a copy of the police case file regarding my mother's [redacted] sudden and unexpected death on [redacted] in [redacted]."

6. Northumbria Police acknowledged receipt of the request on the same day and gave it the reference 577/22. It noted that it had first received the request on 12 April 2022.

Scope of the case

7. The complainant contacted the Commissioner on 11 July 2022 because they had not received a response to their request.
8. The Commissioner wrote to Northumbria Police on 18 July 2022 and instructed it to respond to the request within 10 working days. The complainant contacted the Commissioner on 1 and 3 August 2022 as they still had not received a response. The Commissioner wrote to Northumbria Police again on 3 and 8 August 2022 but did not receive a response to either communication.
9. The Commissioner has considered Northumbria Police's compliance with section 10(1) of FOIA.

Reasons for decision

10. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not exempt information.
11. Under section 10(1) of FOIA a public authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.

12. In this case, the complainant first submitted their request on 12 April 2022 and, to date, has not received a response. Northumbria Police has therefore not complied with section 10(1) of FOIA.

Right of appeal

13. 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

14. 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.
15. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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