

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 January 2023

Public Authority: Chief Constable Staffordshire Police

Address: PO Box 3167

Stafford

ST16 9JZ

Decision (including any steps ordered)

1. The complainant requested information about an investigation into the Moorcroft by-election. Staffordshire Police advised that it does not hold recorded information within scope of the request.
2. The Commissioner's decision is that the request does not relate to recorded information and therefore Staffordshire Police does not hold such recorded information relevant to the complainant's request. Staffordshire Police has complied with section 1(1) of FOIA.
3. The Commissioner therefore does not require Staffordshire Police to take any corrective steps.

Request and response

4. On 15 November 2021, the complainant wrote to Staffordshire Police and requested information in the following terms:

"Moorcroft By-election investigation:
Has any progress been made on this investigation. When can we expect to hear the result?"
5. Staffordshire Police responded to the request on 9 December 2021. It advised that no information was held as it was not recorded information and that the investigation was still ongoing.
6. Following a request for an internal review, Staffordshire Police wrote to the complainant on 15 December 2021 and advised its position remained the same and that the investigation was still ongoing.

Scope of the case

7. The complainant contacted the Commissioner on 17 December 2021 to complain about the way their request for information had been handled.
8. The Commissioner has considered whether Staffordshire Police holds recorded information within scope of the complainant's request and whether it has complied with section 1(1) of FOIA.

Reasons for decision

9. 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.
10. Staffordshire Police advised the complainant that their request does not concern recorded information and therefore does not hold the information.
11. The Commissioner has reviewed the complainant's request and believes that the request has been framed as a general question. For example, the request requires a yes or no answer and to provide a date which would not be held as the investigation is still ongoing. FOIA does not require a public authority to answer general questions not relating to recorded information.
12. The Commissioner has sought to determine whether the request is relating to recorded information and whether Staffordshire Police would hold the information.
13. The Commissioner is satisfied that the requested information is not relating to recorded information and therefore Staffordshire Police would not hold this information under FOIA. As such, the Commissioner has decided that Staffordshire Police has complied with section 1(1) of 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
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF