

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 15 February 2023

**Public Authority:** Independent Office for Police Conduct

**Address:** 90 High Holborn  
London  
WC1V 6BH

#### **Decision (including any steps ordered)**

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1. The complainant requested information from the Independent Office for Police Conduct ("the IOPC") about the dismissal of a Staffordshire Police Force officer.
2. The Commissioner's decision is that the IOPC breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

#### **Request and response**

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3. On 15 August 2022, the complainant made the following request for information:

"This is an enquiry about whether there was referral to the IOPC by Staffordshire Police Force of the Staffordshire Police Force officer who sent sexualised texts to colleagues and who was dismissed without notice this year and if there was a referral then the date of that referral.

Also what valid reasons are there for the officer being allowed to remain unnamed.

Was he/she put on the Sex Offenders Register.

Was he/she also put on the Police barred list."

4. The IOPC responded to the request for information on 19 December 2022.

## **Scope of the case**

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5. The complainant contacted the Commissioner on 25 January 2022 to complain about the IOPC's failure to respond to their request within the statutory time frame of FOIA.
6. The Commissioner has considered whether the IOPC has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

## **Reasons for decision**

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7. Section 1(1) of 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."
8. Section 10(1) of 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".
9. From the evidence provided to the Commissioner in this case, it is clear that the IOPC did not deal with the request for information in accordance with FOIA. The Commissioner finds that the IOPC has breached section 10(1) by failing to respond to the request within 20 working days.

## Right of appeal

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10. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

11. 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.
12. 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**