

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 April 2023

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

Decision (including any steps ordered)

1. The complainant requested information relating to female employees at Sussex Police. By the date of this notice Sussex Police had not issued a substantive response to this request.
2. The Commissioner's decision is that Sussex Police has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires Sussex Police to take the following step to ensure compliance with the legislation.
 - Sussex Police must provide a substantive response to the request in accordance with its obligations under FOIA.
4. Sussex 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 7 January 2023, the complainant wrote to Sussex Police and requested information in the following terms:

"In preparation for next steps, please provide me with the following information forthwith (I consider a reasonable response time as 28 days from the date of this letter, which aligns with the guidelines under the Data Protection Act 2018).

- The total number of females / those who identify as females, employed by of Sussex Police.
- The total number of females / those who identify as females employed in the control rooms of Sussex Police.
- The total number of females / those who identify as females employed in the control rooms of Sussex Police between the ages of 45-65 (menopausal age timeframe as described by NHS UK).
- The total number of females / those who identify as females employed in the control rooms of Sussex Police between the ages of 45-65 who have been granted reasonable adjustments due to the menopause. Please provide this data as a percentage of the total number of females / those who identify as female, and as an actual number."

6. Sussex Police acknowledged the request on 7 February 2023. To date, a substantive response has not been issued.

Reasons for decision

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. On 29 March 2023 the Commissioner wrote to Sussex Police, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 5 working days.
10. Despite this intervention Sussex Police has failed to respond to the complainant.
11. From the evidence provided to the Commissioner in this case, it is clear that Sussex Police did not deal with the request for information in accordance with FOIA. The Commissioner finds that Sussex Police has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

Right of appeal

12. 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

13. 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.
14. 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
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Wycliffe House
Water Lane
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Cheshire
SK9 5AF