

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

### **Decision notice**

**Date:** 29 January 2024

**Public Authority:** Chief Constable of Surrey Police  
**Address:** PO Box 101  
Guildford  
Surrey  
GU1 9PE

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

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1. The complainant requested staffing and disciplinary information from the Chief Constable of Surrey Police (Surrey Police). By the date of this notice, Surrey Police had not issued a substantive response to this request.
2. The Commissioner's decision is that Surrey Police has breached section 10(1) of FOIA, as it failed to provide a valid response to the request within the statutory time limit of 20 working days.
3. The Commissioner requires Surrey Police to take the following step to ensure compliance with the legislation:
  - Provide the complainant with a substantive response to the request in accordance with its obligations under FOIA.<sup>1</sup>
4. Surrey 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.

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<sup>1</sup> The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

## Request and response

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5. On 28 September 2023, the complainant submitted the following request for information to Surrey Police:

"Please provide the following information under a Freedom of Information Request for Surrey Police for the year 2022-23 (ending 31 March 2023) and Q1 2023-24 (01 April to 30 June 2023 inclusive):

- 1) The average operational (i.e., on operational duty) police headcount for Surrey during the periods?
- 2) How many operational police officers have been put on restricted duties or suspended during the period (as a result of allegations/complaints/investigations)?
- 3) What were the outcomes of investigations broken down by:
  - a) The number of officers who were found guilty of a criminal offence?
  - b) The number of officers who were found guilty of gross misconduct or misconduct?
  - c) The number of probationary officers were considered unfit under Regulation 13?
  - d) The number of officers who were cleared (or required reflective practices only)?
  - e) The number of investigations which were closed without conclusion?
  - f) Other (please specify)
- 4) Of the above, how many officers:
  - a) Returned to active operational duty?
  - b) Were dismissed from Surrey police force in relation to the above?
  - c) Chose to resign during or shortly after investigation?

- 5) What was the average length of time (or equivalent statistic) for which the officers were suspended or on restricted duty:
  - a) For all officers that were restricted/suspended?
  - b) For the subset of officers who ultimately returned to operational duty (as opposed to those who were dismissed or left the force)?
- 6) For each of the Surrey regions (North, West and East) and considering each shift (early, late and night) separately, how many shifts:
  - a) Did not meet the required minimum staffing levels for that shift?
  - b) Or required overtime work by officers (from other shifts) to meet the minimum staffing level for that shift?

Please note that for each question I require separate answers covering the 2022-23 year (1 April 2022-31 March 2023) and Q1 2023-24 (1 April 2023-30 June 2023). I am happy to receive the information by quarters or by calendar years (full year 2022 + first half of 2023) if that is easier. I have already reviewed the IOPC complaints / outcomes data released for Surrey police and I do not believe that it provides the specific information I have requested. However, if you believe that the answer to any of my request has already been published then please direct me to the precise data."

6. On 28 September 2023, Surrey Police acknowledged receipt of the complainant's request and provided them with a reference number.
7. The complainant followed up their request with Surrey Police on 3 November 2023.
8. Surrey Police apologised to the complainant for the delay in responding to the request on 3 November 2023. It explained that the delay was because it was awaiting a response from the respective department, and that it would respond to the request as soon as possible once it had received this response.
9. The complainant again followed up their request with Surrey Police on 22 November 2023 and 6 December 2023.
10. To date, a substantive response has not been issued by Surrey Police.

## Reasons for decision

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11. 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.”

12. 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”.

13. On 6 January 2024, the Commissioner wrote to Surrey Police, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.

14. Despite this intervention, Surrey Police has failed to respond to the request.

15. From the evidence provided to the Commissioner in this case, it is clear that Surrey Police did not deal with the request for information in accordance with FOIA. The Commissioner finds that Surrey 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

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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: 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)

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 .....**

**Pamela Clements**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**