

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 January 2024

Public Authority: Chief Constable of Humberside Police

Address: Police Headquarters
Priory Road
Hull
HU5 5SF

Decision (including any steps ordered)

1. The complainant requested information from Humberside Police (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority 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 the public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide a substantive response to the remaining parts of the request in accordance with its obligations under FOIA.¹
4. The public authority 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.

¹ 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

5. On 28 June 2023, the complainant wrote to the public authority and requested information in the following terms:
- “1. Copies of my telephone call to the Humberside polices and your telephone calls to me with reference to crime number [crime number redacted] dated the 21st May 2013
 2. Total number of incidents reported to Humberside police, each year for [the] last three years identified each year
 3. Percentage increase in crime rate year for the last 3 years for Humberside Police showing increase each year identified each year.
 4. Number of complaints received by Humberside police in the last 3 year listed each year to show increases.
 5. Number of complaints where you found against the police for the last 3 years identified each year
 6. Number of incidents you have put down as Civil police in the last 3 years listed each year to show any increase.
 7. The number of complaints you have not reported under Schedule 3 of the police reform Act 2002 police in the last 3 years listed each year to show any increase, or the number of letter sent out stating you have not reported complaints you have not reported “under Schedule 3 or the police reform Act 2002”
 8. The number of staff employed in your complaints resolution team for the last 3 years listed each year to show any increase.
 9. The total cost for item 8 above identified each year
 10. The number of staff employed in your complaints professional standards team for the last 3 years listed each year to show any increase.
 11. A list of other units or departments that deal with complaints or shortfalls for Humberside Police
 12. The total cost for item 10 above showing identified each year
 13. The total cost for item 11 above showing identified each year if any other units or departments deal with these areas.

14. The number of staff or volunteers for Humberside police (crime commissioner's department) who deal wholly or partially with complaints lease list hours per week or year for the last 3 years showing each year

15. Number of complaints passed to the crime commissioner's department for the last 3 years listed each year to show any increase.

16. Number where the crime commissioner's department found against the police for the last 3 years

17. The total cost to the commissioner's department for complaints show each year for the last 3 years.

18. How your complaint number work i.e. the number I have been give is [reference number redacted] does this mean there has been 840 complaint recorded up to my complaint."

Reasons for decision

6. 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."

7. 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".

8. On 10 January 2024 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.

9. Despite this intervention the public authority has failed to respond to the complainant.

10. For the avoidance of doubt, any information relating directly to the requester in a personal capacity should be provided under the Subject

Access regime, but that is outside the scope of this notice. This notice covers only recorded information under FOIA.

11. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority 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.
12. The Commissioner recently issued a Practice Recommendation² to the public authority and is disappointed that he has been forced to issue this notice for a timeliness breach.

² [fpr0987673.pdf \(ico.org.uk\)](https://ico.org.uk/fpr0987673.pdf)

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.

Signed

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