

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 30 April 2012

**Public Authority:** Chief Constable of Northumbria Police  
**Address:** Police Headquarters  
North Road  
Ponteland  
Newcastle Upon Tyne  
NE20 0BL

#### Decision (including any steps)

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1. The complainant has requested information concerning the cost to the public authority of a named solicitor firm. The Information Commissioner's decision is that the public authority breached section 10(1) of FOIA by failing to confirm whether it held the requested information within the statutory time limit. However, as it provided a response shortly after the time limit expired he does not require it to take any further steps.

#### Background

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2. The request can be followed on the "What Do They Know" ("WDTK") website<sup>1</sup>.

#### Request and response

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3. On 9 March 2012, the complainant wrote to public authority and requested information in the following terms:
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<sup>1</sup>[http://www.whatdotheyknow.com/request/how\\_many\\_times\\_have\\_northumbria#outgoing-198178](http://www.whatdotheyknow.com/request/how_many_times_have_northumbria#outgoing-198178)

*"Please supply all recorded information concerning following;*

- 1. How many times, if any, have Northumbria Police instructed Phillips Law Firm and or any of its Solicitors between February 2011 and February 2012.*
- 2. Have Northumbria Police entered into any type of written or verbal contact/s and or agreement/s with Phillips Law Firm and or any of its Solicitors. If so, please supply full details.*
- 3. Please list all amounts paid, if any, to Phillips Law Firm and or any of its Solicitors concerning any matters that relate to the Raoul Moat case.*
- 4. Please detail reason/s for all/any payment/s regards 3 above".*

4. Having previously acknowledged the request, on 10 April 2012 the public authority responded stating:

*"I regret that Northumbria Police will not be able to complete its response to you by the date originally stated. We are still researching the information held and considering whether any exemptions under the Act may apply.*

*I can now advise you that the new date for the provision of the information is 8 May 2012. I can assure that every effort will be made to ensure that a response will be provided to you within this new timescale".*

## **Scope of the case**

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5. On 11 April 2012 the complainant contacted the Information Commissioner to complain about the lack of timely response.

## **Reasons for decision**

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## **Section 10 – time for compliance**

6. Section 10(1) of FOIA provides that a public authority should comply with section 1(1) within 20 working days. Section 1(1)(a) initially requires a public authority in receipt of a request to confirm whether it holds the requested information. Although a public authority may

extend the time for providing a response where it is considering the public interest in disclosure, it must first confirm that it holds the requested information and then cite which exemptions it is considering; this did not happen on this occasion.

7. The request was submitted on 9 March 2012 and the complainant did not receive a response, which confirmed that the public authority was not in possession of the relevant information, until 13 April 2012. The Information Commissioner therefore finds that the public authority has breached section 10(1) by failing to comply with section 1(1)(a) within the statutory time period.

## Right of appeal

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8. 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: 0300 1234504  
Fax: 0116 249 4253  
Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)  
Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

9. 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.
10. 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** .....

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