

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 23 October 2012

**Public Authority:** Chief Constable of Sussex Police

**Address:** Police Headquarters

Church Lane

Lewes

East Sussex

BN7 2DZ

### Decision (including any steps ordered)

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1. The complainant requested information about accreditation. Whilst receipt of the request was acknowledged by Sussex Police, no substantive response to the request has been provided to the complainant. The Information Commissioner's decision is that the Home Office did not deal with the request for information in accordance with FOIA. It breached section 10(1) of FOIA by failing to provide a response to the request within the statutory timeframe of 20 working days.
2. The Information Commissioner requires the public authority to take the following steps to ensure compliance with the legislation:
  - confirm or deny whether the requested information is held in respect of the request, to comply with section 1(1)(a);
  - if information is held in respect of the request, either provide the information to comply with section 1(1)(b) (addressing the complainant's request for the response to be provided in electronic form), or withhold the information by issuing a valid refusal notice under section 17(1) of FOIA.
3. The public authority must take these steps 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 the Act and may be dealt with as a contempt of court.

## Request and response

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4. On 21 May 2012 the complainant wrote to Sussex Police via the *whydotheyknow.com* website and requested information in the following terms:

*"Please provide:*

- 1. A copy of any agreement with, or agendas or minutes of meetings with the Liberal Democrat party in relation to accreditation at this years' party conference in Brighton.*
- 2. A copy of any equalities impact assessment in relation to accreditation.*
- 3. Any information, advice or other correspondence or agendas or minutes from/with the Home Office in relation to accreditation.*
- 4. Any other correspondence, with either the Liberal Democrats or any other body, in relation to conference accreditation.*

*If this request would exceed the time allowed under the freedom of information act, please give preference to answering the requests in the order given above."*

5. Sussex Police acknowledged receipt of the request on 24 May 2012 and said the complainant would receive a response within the statutory timescale of 20 working days as defined by FOIA.
6. On 22 June 2012 the complainant wrote to Sussex Police stating that the response was overdue and asking it to advise when it would be able to respond.
7. In the absence of any response the complainant wrote further to Sussex Police requesting an internal review on 27 June 2012. She contacted Sussex Police on 10 and 11 July 2012 by two different email addresses asking it to acknowledge receipt of her request for internal review.

## Scope of the case

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8. The complainant contacted the Information Commissioner to complain about the way her request for information had been handled. She specifically asked the Information Commissioner to consider the fact that no substantive response had been provided.

9. The Information Commissioner initially wrote to Sussex Police on 4 September 2012 asking it to provide a response to the request within 10 working days. No response was provided.
10. On 16 October 2012 the Information Commissioner contacted the complainant to ascertain whether she had now received a response from Sussex Police and she confirmed it was still outstanding.

### **Reasons for decision**

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11. Section 8(1) of FOIA states that requests for information should be in writing, should bear the name and address of the applicant and describe the information requested. The Information Commissioner considers that the request in this case met these requirements and therefore constituted a valid request under FOIA for recorded information.
12. Section 10(1) of FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
13. From the information provided to the Information Commissioner it is evident that Sussex Police did not respond to the complainant within the statutory timeframe.

### *Conclusion*

The Information Commissioner's decision is that Sussex Police did not deal with the request for information in accordance with FOIA. It breached section 10(1) of FOIA by failing to provide a response to the request within the statutory timeframe of 20 working days.

## Right of appeal

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14. 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)

15. 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.
16. 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**