

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 September 2012

Public Authority: Chief Constable of Devon and Cornwall Police

Address: Force Headquarters

Middlemoor

Exeter

EX2 7HQ

Decision (including any steps ordered)

1. The complainant requested the accounts of Devon and Cornwall Police (the police) for the five years preceding the request. The police responded 22 working days after receiving clarification from the complainant as to the scope of her request and disclosed the requested information.
2. The Commissioner's decision is that the police breached section 10(1) of the FOIA in that it failed to respond to the request within 20 working days of receipt of the clarification of the request.

Request and response

3. On 26 March 2012 the complainant wrote to the police and requested information in the following terms:

"...please provide me with a copy of the Statement of Accounts for the years 2007 to 2011 inclusive."

4. The police responded initially on 27 March 2012. It stated at this stage that accounting information is held by financial year and asked for the complainant to clarify if she wished to request information for the financial years 2007 – 08 to 2010 – 11.
5. The complainant responded on 10 May 2012 and stated that she did wish to be provided with the information for the preceding five financial

years. The police responded substantively on 14 June 2012 and disclosed the requested information.

Scope of the case

6. The complainant contacted the Commissioner on 18 July 2012 to complain about the way her request for information had been handled. At this stage the complainant raised an issue concerning a complaint about the staff member who had handled her information request. The complainant objected to being asked to provide a personal email address in order to progress this complaint and preferred for communications to be made via the website *whatdotheyknow.com*.
7. On 9 August 2012 it was clarified with the complainant that the ICO is able to consider only whether there has been any breach of the FOIA. The complainant was advised that issues relating to her complaint about the police staff member who had handled her request, including whether it was appropriate for the police to ask for a personal email address in order to progress that complaint, could not be included within the scope of this case.
8. The complainant was advised that a decision notice could be issued that would cover any procedural breaches of the FOIA that had occurred during the handling of her request. The complainant responded to this on 9 August 2012 and confirmed that she did wish such a decision notice to be issued.

Reasons for decision

Section 10

9. Section 10(1) of the FOIA requires that an information request should be responded to within 20 working days of receipt. In this case the police have acknowledged that it took 22 working days to respond substantively following the provision by the complainant of clarification of her request. Therefore, the police breached section 10(1) of the FOIA through the delay in responding to the complainant's request.

Right of appeal

10. 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

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

11. 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.
12. 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
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