

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 25 June 2013

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

**Address:** Sussex Police HQ  
Malling House  
Lewes  
East Sussex  
BN7 2DZ

#### Decision (including any steps ordered)

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1. The complainant has requested information about a police helicopter and to date he has not received a substantive response.
2. The Information Commissioner's decision is that the public authority has failed to provide a response to the request within the statutory time frame of 20 working days. He requires it to comply with the request or issue a valid refusal notice as set out in section 10 of the 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 Information 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 13 December 2011, the complainant wrote to Sussex Police (SP) and requested information in the following terms:

*'On 16<sup>th</sup> May 2011 at approximately 10am, a police helicopter was over Warlingham, Surrey [postcode]. The Surrey Police state that the Sussex Police helicopter was in use over Surrey on this date.*

*What was the helicopter used for on this date?*

*What times did the helicopter take off and land on this date?'*

5. SP responded on 21 December 2011. It acknowledged receipt of the request.
6. On 17 January 2012 the complainant contacted SP, explaining that it had been due to respond to him on 16 January 2012. On 18 January 2012 SP apologised that it had not been able to complete its response to his request within the timescale. It provided an amended date for response of 27 January 2012 and stated that it wanted to assure the complainant that every effort would be made to ensure an appropriate response within the new timescale.
7. On 9 February 2012 the complainant contacted SP. It was agreed that the deadline for providing the information could be extended a further three weeks, given the workload and nature of the request.
8. On 28 March 2012 the complainant requested an update. On 23 May and 11 September 2012, the complainant requested internal reviews.

### **Scope of the case**

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9. The complainant contacted the Information Commissioner (the Commissioner) on 18 February 2013 to complain that SP had acknowledged both his request and its delay in handling it, but had not provided him with the requested information.
10. The Commissioner wrote to SP on 20 February 2013 asking it to issue a response to the complainant. Further, on 3 April 2013 the Commissioner spoke to the SP about its lack of response. The SP said that it would find out whether a response had been sent and let the Commissioner know. To date SP has not provided the complainant or the Commissioner with a response.

### **Reasons for decision**

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11. Section 1(1) of FOIA requires a public authority in receipt of a request for information, to confirm whether it holds the requested information, and if it does, it should disclose it to the applicant. Section 10(1) of FOIA provides that this must be done within 20 working days of receiving a request.
12. The Commissioner considered whether SP responded to the request of 13 December 2011 in line with the provisions of the FOIA.

13. From the information provided to the Commissioner in this case, it is evident that SP did not respond to the complainant within the statutory timeframe and so it is in breach of section 10(1) of the FOIA.

## 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**