

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 December 2013

Public Authority: Police Service of Northern Ireland

Address: PSNI Headquarters
65 Knock Road
Belfast
BT5 6LE

Decision (including any steps ordered)

1. The complainant requested information about delegated powers for civilian investigators. The Police Service of Northern Ireland ("PSNI") did not provide a response to the request within 20 working days. The Commissioner's decision is that PSNI has not responded to the complainant's request within the statutory time frame of 20 working days and so it breached section 10(1) of the FOIA. However, PSNI subsequently provided a response to the complainant and therefore the Commissioner does not require it to take any further steps to comply with the legislation.

Request and response

2. On 19 July 2013, the complainant wrote to PSNI and made the following request for information:

"I am seeking information on the delegation of powers within the PSNI:-

1. Please provide details of all powers which have been delegated by the Chief Constable at the present time, to civilian staff working for or with him

2. Please provide details of what powers, if any MAY be delegated to civilian staff working within the PSNI

3. Please provide details of what powers, from this list ARE CURRENTLY delegated to civilian staff working within the PSNI

4. How many Civilian Investigators, by district, does the PSNI employ?

5. Are Civilian Investigators employed by the PSNI, fully sworn constables / do they have or are they delegated powers of a constable – if so please provide details of this process / the legislation allowing this

6. Do PSNI Civilian Investigators have the authority to obtain & execute search warrants?"

3. PSNI wrote to the complainant on 23 July 2013. It said that in order to process the request it needed him to specify the functions or roles he required information on and the specific business areas he was interested in. It advised him that his request would not be processed until this information was received.
4. The complainant responded the same day and provided clarification of his request.
5. PSNI subsequently responded to the request for information on 29 August 2013.

Scope of the case

6. The complainant contacted the Commissioner on 19 August 2013 to complain about the fact that he had not yet received a response from PSNI to his request.
7. The Commissioner has considered whether PSNI complied with the FOIA.

Reasons for decision

8. Section 1 of FOIA states that any person making a request for information is entitled to be informed by the public authority whether it holds the information and, if so, to have that information communicated to him.
9. Section 10(1) of FOIA provides that this must be done within 20 working days of receiving a request. Section 10(6) provides that the date of receipt will be the day on which the authority receives the request or "*if later, the day on which it receives the information referred to in section 1(3)*".
10. Section 1(3) allows that, where a public authority reasonably requires further information in order to identify and locate the requested information, it may advise the requestor accordingly and is not obliged to comply with the request unless it is supplied with the clarifying information.
11. The complainant made his request on 19 July 2013. On 23 July 2013 and in compliance with section 1(3), PSNI asked the complainant to clarify his request. The complainant provided clarification of his request the same day. Therefore, the Commissioner is satisfied that the statutory 20 working day time period for compliance with the request does not commence until 24 July 2013.
12. In this case, to comply with the 20 working day time limit, the PSNI should have responded by 20 August 2013. However, the Commissioner notes that the PSNI sent a response to the complainant on 29 August 2013. It has not therefore responded to the complainant's request within the statutory time frame and so it breached section 10(1) of the FOIA.

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: 0300 1234504

Fax: 0116 249 4253

Email: GRC@hmcts.gsi.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

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