

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 June 2015

Public Authority: Chief Constable of Sussex Police
Address: Sussex Police HQ
Church Lane
Lewes
East Sussex
BN7 2DZ

Decision (including any steps ordered)

1. The complainant has requested information relating to allegations against a named individual.
2. Sussex Police failed to respond to this request for information and the Commissioner's decision is that in doing so Sussex Police breached sections 1(1) and 10(1) of the FOIA.
3. The Commissioner requires Sussex Police to take the following steps to ensure compliance with the legislation.
 - Respond to the request.
4. Sussex Police 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 22 November 2014, the complainant wrote to Sussex Police and requested information in the following terms:

"Please could you supply me with any information you hold in relation to allegations against [a named individual] of sexual activity with children, or possession of indecent images."

6. At the time of writing Sussex Police had failed to respond substantively to the request.

Scope of the case

7. The complainant contacted the Commissioner on 2 February 2015 to complain about the failure of Sussex Police to respond to his request.

Reasons for decision

8. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
9. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".
10. In this case Sussex Police has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days.

Right of appeal

11. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: <http://www.justice.gov.uk/tribunals/general-regulatory-chamber>

12. 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.
13. 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