

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 13 December 2016

**Public Authority:** Chief Constable of North Yorkshire Police

**Address:** Police Headquarters  
Newby Wiske Hall  
Newby Wiske  
Northallerton  
North Yorkshire  
DL7 9HA

#### **Decision (including any steps ordered)**

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1. The complainant has requested information about all outside police force investigations requested by the Chief Constable of North Yorkshire Police since 1 December 2012. North Yorkshire Police has not provided a substantive response to the request.
2. The Information Commissioner's decision is that North Yorkshire Police has breached sections 1(1) and 10(1) of the FOIA in that it has failed to provide a response to the request within the statutory time for compliance.
3. The Commissioner requires North Yorkshire Police to take the following steps to ensure compliance with the legislation.
  - Issue a response to the request under the FOIA by either complying with section 1(1) or issuing a valid refusal notice.
4. North Yorkshire 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 Act and may be dealt with as a contempt of court.

## Request and response

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5. On 10 August 2016, the complainant wrote to North Yorkshire Police via the "WhatDoTheyKnow" website<sup>1</sup> and requested information in the following terms:

*"Dear North Yorkshire Police,*

*Please provide the following details of all outside police force investigations requested by Chief Constable since 1st December 2012.*

*Date requested*

*Force (or policing body) appointed to investigate*

*Operational name*

*Terms of reference*

*Budget agreed*

*Date finalised*

*Final cost"*

6. North Yorkshire Police acknowledged receipt of the request the same day. The complainant wrote to North Yorkshire Police again on 12 September 2016, requesting an internal review of its failure to respond to the request within the statutory 20 working day time scale. He wrote again on 10 October 2016, informing North Yorkshire Police that he had referred its continued failure to respond to the Commissioner.
7. North Yorkshire Police wrote to the complainant on 19 October 2016, apologising for the delay and assuring him that a response would be sent in due course.
8. However, at the date of this decision notice the complainant had still not received a response to the request.

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<sup>1</sup> An online repository for submitting FOIA requests to public authorities

## Scope of the case

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9. The complainant contacted the Commissioner on 20 October 2016 to complain about the way his request for information had been handled.
10. The Commissioner has considered in this decision notice, North Yorkshire Police's compliance with section 1(1) and 10(1) of the FOIA.

## Reasons for decision

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11. Section 1(1) of the FOIA states that:

*"Any person making a request to a public authority is entitled –*

*(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*

*(b) if that is the case, to have that information communicated to him."*

12. Section 10(1) of the FOIA states that a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.
13. North Yorkshire Police acknowledged receipt of the request on 10 August 2016. The twentieth working day after this was 8 September 2016. As North Yorkshire Police did not issue a response by that date – and has still not done so - it has breached sections 1(1) and 10(1) of the FOIA.

## Other matters

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14. As well as issuing this notice, the Commissioner has made a separate record of the failure by North Yorkshire Police to respond to the complainant's request. This issue may be revisited should evidence from other cases suggest that this is necessary.

## Right of appeal

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15. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

16. 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.
17. 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** .....

**Samantha Bracegirdle**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**