

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 May 2017

Public Authority: National Police Chiefs' Council
Address: 1st Floor
10 Victoria Street
London
SW1H 0NN

Decision (including any steps ordered)

1. The complainant has requested referral forms for proposed projects with Bahrain. The National Police Chief's Council did not comply with the request, citing section 14(2) (repeated request) of FOIA. During the Commissioner's investigation, the National Police Chiefs' Council confirmed that it was no longer relying on section 14(2) of FOIA. The NPCC subsequently confirmed that it was withholding the information under section 27 (International relations) of the FOIA. The NPCC's application of section 27 will be dealt with in a separate decision notice.
2. The complainant indicated that he still wanted a decision notice as he wanted to know how often a request could be submitted to a public authority. Given that the National Police Chiefs' Council dropped its reliance on section 14(2), the Commissioner will not consider its application any further. However, she has considered the length of time taken to deal with the request and the complainant's query regarding how often a request can be submitted.
3. The Commissioner's decision is that the National Police Chiefs' Council has breached sections 17(1) (request for information) and 10(1) (time for compliance) of the FOIA.
4. The Commissioner does not require the National Police Chiefs' Council to take any steps as a result of this decision.

Request and response

5. On 6 June 2016 the complainant wrote to the National Police Chiefs' Council (NPCC) and requested information in the following terms:

"I am requesting a copy of any IPAB referral forms for any proposed projects with Bahrain in the time period 1 January 2015 to June 2016. I expect this to include secondments of UK personnel to Bahrain (e.g. referral form reference 409), visits of Bahrain personnel to the UK, and any other proposals involving Bahrain that are recorded on IPAB referral forms."

6. The NPCC responded on 8 June 2016. It explained that it was not complying with the request and cited section 14(2) (repeated requests) as it had replied to a similar request on 25 May 2016.
7. Following an internal review the NPCC wrote to the complainant on 6 July 2016. It upheld its original decision.

Background

8. The complainant works for a charity. He submitted the present request for information and one of his colleagues also submitted a request on the same topic.

Scope of the case

9. The complainant contacted the Commissioner on 15 July 2016 to complain about the way his request for information had been handled.
10. During the Commissioner's investigation, the NPCC confirmed that it was no longer relying on section 14(2) and informed the complainant of this. The complainant resubmitted his request and the NPCC withheld the information, citing section 27 (International relations) of FOIA. The complainant complained about this to the Commissioner separately. The NPCC's application of section 27 will be dealt with in a separate decision notice.
11. The complainant explained to the Commissioner that he still wanted a decision notice as he wanted to know how often a request for information could be submitted.
12. The Commissioner notes that the NPCC is no longer relying on section 14(2) therefore she will not consider this any further but will consider the length of time taken to deal with the request.

13. The Commissioner will also consider the complainant's query about how often a request for information can be submitted under "Other matters" below.

Reasons for decision

Section 17 – refusal of a request

14. Section 17(1) provides that if a public authority is not going to disclose requested information, it must inform an applicant of this and specify the exemption in question.
15. Initially the NPCC cited section 14(2) as the reason for non-compliance with the request. However, subsequently it withdrew its reliance on section 14(2) and applied section 27. Given that the NPCC did not cite the section 27 within the statutory time for compliance with a request, the Commissioner considers that NPCC has breached section 17.

Section 10 – time for compliance

16. Section 10(1) provides that a public authority should reply to a request for information promptly and no later than the twentieth working day after receipt of the request.
17. As NPCC did not cite the section 27 exemption within twenty working days after receipt of the request, the Commissioner considers that NPCC has breached section 10.

Other matters

18. The complainant explained that he wanted to know how often requests could be made to a public authority. The Commissioner notes that in this case, the complainant and a second person who worked for the same organisation, submitted requests for information on the same topic on behalf of the organisation.
19. The Commissioner has considered this point. Her view is that, if two or more individuals make identical or substantially similar requests for the purposes of section 14(2), on behalf of the organisation they work for, provided one of the requests has been responded to by the public authority, it is not obliged to keep responding to identical or other substantially similar requests.

20. However, if requests are received from two or more individuals on behalf of an organisation they work for and are different, then a public authority has to deal with each request separately.
21. The Commissioner also considers that expecting public authorities to respond to identical or substantially similar requests from people who are making the requests on behalf of the same employer, would be a waste of the already limited resources available to public authorities.

Right of appeal

22. 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: www.justice.gov.uk/tribunals/general-regulatory-chamber

23. 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.
24. 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
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF