

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 October 2017

Public Authority: Chief Constable of Greater Manchester Police
Address: Greater Manchester Police
Openshaw Complex
Lawton Street
Openshaw
Manchester
M11 2NS

Decision (including any steps ordered)

1. The complainant has requested information about complaints made about Greater Manchester Police (GMP). Although GMP responded to the request, it did not do so within 20 working days.
2. The Commissioner's decision is that in failing to respond to the request within the statutory timescale, GMP breached section 10(1) (time for compliance) of the FOIA. As a response has been provided, the Commissioner does not require GMP to take any further steps.

Request and response

3. On 17 June 2017, the complainant wrote to GMP and requested information in the following terms:

"Could you please inform me, within the last twelve months -

a. How many complaints has the GMP recorded in relation to forced entry to premises and

b. Of those complaints, how many were dealt with by way of 'Local Resolution'."

4. GMP confirmed receipt of the request on 14 July 2017, saying that it was awaiting receipt of the requested information from various departments within the force.
5. The complainant asked for its response on 1 August 2017. GMP responded on 4 August 2017, apologising for the delay and saying that the request was still under consideration.
6. GMP responded to the request on 1 September 2017.

Scope of the case

7. The complainant contacted the Commissioner on 11 August 2017 to complain about the way his request for information had been handled. At that stage he had not received a response to the request.
8. As noted above, GMP subsequently provided its response on 1 September 2017. The complainant has indicated to the Commissioner that he is satisfied with the content of that response, but considers the time taken to provide it to be excessive.
9. The Commissioner has therefore considered GMP's compliance with section 10(1) of the FOIA.

Reasons for decision

Section 1 – general right of access

Section 10 – time for compliance

10. 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.

11. 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".

12. The complainant requested the information on 17 June 2017 and GMP provided its response on 1 September 2017, 56 working days later.

13. From the information provided to the Commissioner in this case it is evident that GMP did not respond to the request within the statutory time frame and so it breached section 10(1) of the FOIA.

Other matters

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

Right of appeal

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
Website: 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