

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 April 2018

Public Authority: Chief Constable of Bedfordshire Police
Address: Woburn Road
Kempston
Bedford
MK43 9AX

Decision (including any steps ordered)

1. The complainant has requested information about any advice given by Bedfordshire Police to a television production company about contacting crime victims and their families.
2. The Commissioner's decision is that Bedfordshire Police breached sections 1(1) and 10(1) of the FOIA by failing to provide a valid response to the request within the statutory 20 working day time limit.
3. The Commissioner requires Bedfordshire Police to take the following steps to ensure compliance with the legislation:
 - issue a response to the request in accordance with its obligations under the FOIA.
4. Bedfordshire 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

5. On 5 September 2017, during ongoing correspondence about a television programme about Bedfordshire Police, in which her family had featured, the complainant wrote to Bedfordshire Police and requested information in the following terms:

"Channel 4 informed me that Garden Productions understand from Bedfordshire Police 'when the right time might be to contact family members'.

I want access to the 'consent' and 'advice' given to Garden Productions on contacting me and my family. I specifically want access to the 'advice' with regards to protecting the privacy and respecting the dignity of victims of crime and family members, specifically me and my family members.

...

The information I require is solely concerned with Bedfordshire Police's consideration of my family's privacy and dignity when providing 'consent' and 'advice' to Garden Productions."

6. Bedfordshire Police responded on 2 October 2017. Although it addressed other matters that the complainant had raised, it apparently failed to recognise that the letter of 5 September 2017 contained a request for information under the FOIA and the complainant did not receive any further correspondence regarding it.

Scope of the case

7. The complainant contacted the Commissioner on 21 November 2017 about a separate request for information she had made. During the course of correspondence regarding that request, she forwarded a copy of her letter of 5 September 2017 to which no response had been received.
8. The Commissioner wrote to Bedfordshire Police on 7 March 2018, explaining that the letter of 5 September 2017 contained a valid request for information under the FOIA, and asking it to respond to that request by 21 March 2018, and to forward to her a copy of its response.
9. The Commissioner subsequently had two telephone conversations with Bedfordshire Police, in which it agreed it would respond to the request.

10. On 21 March 2018 Bedfordshire Police wrote to the complainant, apologising for the delay and saying that it would respond by 9 April 2018. It forwarded a copy of this letter to the Commissioner.
11. The complainant has confirmed that, as of the date of this notice, no substantive response to the request has been received, and the Commissioner has received no further correspondence from Bedfordshire Police about the request.

Reasons for decision

Section 1 – general right of access

Section 10 – time for compliance

12. 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.
13. Section 10(1) of 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”.
14. The complainant requested information on 5 September 2017. As a response has not yet been provided, the Commissioner finds that Bedfordshire Police has breached section 1(1) and section 10(1) of the FOIA by failing to respond within 20 working days.
15. As well as issuing this notice, the Commissioner has made a separate record of the failure by Bedfordshire 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

16. 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

17. 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.
18. 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