

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 10 September 2018

**Public Authority:** Chief Constable of Lancashire Constabulary

**Address:** Police Headquarters

PO Box 77

Hutton

Preston

Lancashire

PR4 5SB

### Decision (including any steps ordered)

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1. The complainant has requested information about the contract between Lancashire Constabulary and a digital media agency which provides web services for the Lancashire Volunteer Project. Following the Commissioner's intervention, Lancashire Constabulary disclosed the information it held.
2. The Commissioner's decision is that by failing to comply with the request within the statutory time for compliance, Lancashire Constabulary breached section 1(1) and section 10(1) of the FOIA.
3. As the information has been disclosed, the Commissioner requires no steps to be taken.

### Request and response

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4. On 2 March 2018, in the course of ongoing correspondence about an earlier FOIA request, the complainant wrote to Lancashire Constabulary and requested information in the following terms:

*"Please kindly release the contract Lancashire Constabulary has with 2am in relation to the 'Lancashire Volunteer Partnership' website*

*https://lancsvp.org.uk along with all records of payment the authority made to 2am relating to website https://lancsvp.org.uk.”*

5. Although Lancashire Constabulary continued to correspond with the complainant about the pre-existing matter, it did not respond to the above request for information.

## Scope of the case

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6. The complainant contacted the Commissioner on 9 July 2018 to complain about Lancashire Constabulary's failure to respond to the request.
7. The Commissioner wrote to Lancashire Constabulary on 12 July 2018, instructing it to comply with the request by 26 July 2018. Later that day, Lancashire Constabulary confirmed that it would respond to the request within the specified timeframe.
8. The complainant contacted the Commissioner on 26 July 2018, 30 July 2018, 3 August 2018 and 6 August 2018 to confirm that he had still not received Lancashire Constabulary's response.
9. Lancashire Constabulary provided a response to the request on 10 August 2018. The complainant confirmed to the Commissioner that the information satisfied his request, but asked that the Commissioner issue a decision notice, considering Lancashire Constabulary's compliance with the timeliness provisions of the FOIA.

## Reasons for decision

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### 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 on receipt of a request for information a public authority should respond to the applicant within 20 working days.
12. From the information provided to the Commissioner in this case it is evident that Lancashire Constabulary did not deal with the request for

information of 2 March 2018 in accordance with the FOIA. In this case, Lancashire Constabulary has breached sections 1(1) and 10(1) of the FOIA by failing to respond to the request within 20 working days.

## **Other matters**

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13. The Commissioner routinely monitors the performance of public authorities and their compliance with the FOIA. Records of procedural breaches are retained to assist the Commissioner with this process and further remedial work may be required in the future should any patterns of non-compliance emerge.
14. To that end, as well as issuing this notice, the Commissioner has made a separate record of the failure by Lancashire Constabulary to respond to the complainant's request within the statutory time for compliance. 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**