

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

### **Decision notice**

**Date:** 22 October 2018

**Public Authority:** Chief Constable of Essex Police

**Address:** Essex Police Headquarters

PO Box 2

Springfield

Chelmsford

Essex

CM2 6DA

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

---

1. The complainant requested details of the accommodation booking for officers deployed during President Trump's visit.
2. The Commissioner's decision is that Essex Police has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires Essex Police to take the following step to ensure compliance with the legislation.
  - Essex Police must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. Essex Police must take this step 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 18 July 2018, the complainant wrote to Essex Police and requested information in the following terms:

*"The name, id number and job title of the person who made the booking of accommodation at army barracks in Essex for officers deployed under Operation Manifold. The name, id number and job title of the person authorising said booking. The operation order for accommodation for said booking. Details of any visits to this accommodation prior to the commencement of operation manifold. Ask risk assessments associated with said booking and accommodation. Confirmation or not that Essex Police complied with the working time directive during operation manifold."*

6. Essex Police acknowledged the request on 19 July 2018 but failed to provide a substantive response within 20 working days.

## **Scope of the case**

---

7. The complainant contacted the Commissioner on 28 August 2018 to complain about Essex Police's failure to respond to his information request.
8. On 17 September 2018 the Commissioner wrote to Essex Police, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
9. Despite this intervention Essex Police has failed to respond to the complainant.

## **Reasons for decision**

---

10. Section 1(1) of FOIA states that:

*"Any person making a request for information 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."*

11. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt."*
12. From the evidence provided to the Commissioner in this case, it is clear that Essex Police did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Essex Police has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

## Right of appeal

---

13. 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)

14. 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.
15. 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** .....

**Ben Tomes**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**