

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 January 2019

Public Authority: Chief Constable of Humberside Police

Address: Humberside Police Headquarters

Priory Road

Hull

HU5 5SF

Decision (including any steps ordered)

1. The complainant requested information from Humberside Police relating to the cost of policing.
2. The Commissioner's decision is that Humberside 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 Humberside Police to take the following step to ensure compliance with the legislation.
 - Humberside Police must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. Humberside 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 7 August 2018, the complainant wrote to Humberside Police and requested information in the following terms:

"What is the cost per hour for policing."

6. Humberside Police provided an automated acknowledgment of the request on the same day. It contacted the complainant again on 12 August 2018 to ask for clarification of the request. It stated:

"there are too many variables to specify the cost of policing. To help the Information Compliance Unit meet your request could you please be more specific with your request."

7. The complainant responded on 17 August 2018 to provide clarification of his request, he confirmed:

"I recently asked for a breakdown of police hours in HU12 I received a response please apply the principles used to calculate the figure given to answer that separate FOI

Please divide the total number of hours by the total income for the requested period giving a mean average hourly cost."

8. Humberside Police provided an automated acknowledgment on the same day.
9. No substantive response to the request had been sent by the date of this notice.

Scope of the case

10. The complainant contacted the Commissioner on 30 October 2018 to complain about Humberside Police's failure to respond to his information request.
11. On 29 November 2018 the Commissioner wrote to Humberside Police, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
12. Despite this intervention Humberside Police has failed to respond to the complainant.

Reasons for decision

13. Section 1(1) of the 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."

14. 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."*

15. Under section 1(3) of the FOIA, where a public authority reasonably requires further information in order to identify and locate the information requested, and it has informed the requester of this requirement, it is not obliged to comply with section 1(1) unless it is supplied with that information.

16. In this case the complainant provided the necessary clarification of the request on 17 August 2018. However, to the date of this notice, Humberside Police has failed to provide a response to the request.

17. From the evidence provided to the Commissioner, it is clear that Humberside Police did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Humberside Police has breached section 10(1) by failing to respond to the clarified request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

Right of appeal

18. 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

19. 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.
20. 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
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