

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 January 2019

Public Authority: Office of the Police, Fire and Crime Commissioner

Address: 12 Granby Road
Harrogate
North Yorkshire
HG1 4ST

Decision (including any steps ordered)

1. The complainant has requested information from the Office of the Police, Fire and Crime Commissioner for North Yorkshire ("OPFCC") relating to a meeting regarding the Commissioner's conduct.
2. The Commissioner's decision is that the OPFCC 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 the OPFCC to take the following step to ensure compliance with the legislation.
 - The OPFCC must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The OPFCC 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 13 October 2018, the complainant wrote to the OPFCC and requested information in the following terms:

"The Police and Crime Commissioner Julia Mulligan recently attended a meeting with the Police and Crime Panel Complaints Committee concerning allegations relating to her conduct.

Please provide me with copies of any items relating to this meeting including all notes, emails, documents, reports, photographs and statements."
6. The OPFCC responded on 15 October 2018 to acknowledge receipt of the request.
7. As the complainant did not receive a further response, he wrote to the OPFCC again on 16 November 2018 to request an update. The OPFCC acknowledged receipt of this correspondence the same day and advised the complainant it would provide an update.
8. The complainant heard nothing further and wrote to the OPFCC again on 22 November 2018 to request an internal review into the delay. The OPFCC responded the same day to apologise for the delay and explained it was in the process of responding to the request.

Scope of the case

9. The complainant contacted the Commissioner on 23 November 2018 to complain about the OPFCC's failure to respond to his information request.
10. On 6 December 2018, the Commissioner wrote to the OPFCC, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
11. The OPFCC wrote to the Commissioner on 19 December 2018 to request an extension as it was unable to obtain the required information within 10 working days.
12. On 1 January 2019, the complainant wrote to the Commissioner again to explain that he had still not received a response from the OPFCC.

13. The Commissioner wrote to the OPFCC on 4 January 2019, declining its request for an extension and confirmed that a decision notice would be issued.
14. Despite this intervention the OPFCC has failed to respond to the complainant.

Reasons for decision

15. 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."

16. 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."*
17. From the evidence provided to the Commissioner in this case, it is clear that the OPFCC did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the OPFCC 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

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

Deborah Clark
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