

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 March 2019

Public Authority: Chief Constable of Cumbria Constabulary
Address: Police Headquarters
Carleton Hall
Penrith
Cumbria
CA10 2AU

Decision (including any steps ordered)

1. The complainant requested information relating to unlawful foxhunting in Cumbria.
2. The Commissioner's decision is that Cumbria Constabulary 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. As a response has now been provided the Commissioner does not require any further steps to be taken.

Request and response

4. On 5 January 2019, the complainant wrote to Cumbria Constabulary and requested information in the following terms:

"Please could you update my request for information relating to the original foi.

I had intended to ask for information between the dates of 2004/2005 inception of fox hunting ban to the present. 2018.

Please could you supply additional information

Between 2005 up to 2014.

Q. have there been any prosecutions in relation to unlawful fox hunting.

Q2. Have any Cumbria police officers admitted to bring part of a hunt or following a hunt as a supporter. Between the above dates.

Q3. Has there been any arrests in relation to unlawful fox hunting during the above dates.

Q4. Does Cumbria police support any hunt groups financially."

5. Cumbria Constabulary acknowledged the request on the same day. However a substantive response was not provided until 5 March 2019.

Scope of the case

6. The complainant contacted the Commissioner on 12 February 2019 to complain about Cumbria Constabulary's failure to respond to his information request.
7. On 28 February 2019 the Commissioner wrote to Cumbria Constabulary, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days, following which it issued the response referred to above.
8. The Commissioner has considered whether Cumbria Constabulary has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

9. 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."*

10. 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."*
11. From the evidence provided to the Commissioner in this case, it is clear that Cumbria Constabulary did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Cumbria Constabulary has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

12. 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

13. 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.
14. 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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Wycliffe House
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Wilmslow
Cheshire
SK9 5AF