

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 April 2019

Public Authority: Chief Constable of Hampshire Constabulary
Address: Operational Headquarters
Tower Street
Winchester
Hampshire
SO23 8ZD

Decision (including any steps ordered)

1. The complainant requested information regarding the CCTV at Fareham Police Station.
2. The Commissioner's decision is that Hampshire 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 6 December 2018, the complainant wrote to Hampshire Constabulary and requested information in the following terms:

"I require the information of the CCTV system in place in Fareham police station and documented evidence that the CCTV can only be kept for 48 hours and then it is wiped and that system cannot hold data for more than 48 hours."

5. Hampshire Constabulary provided a response on 22 March 2019.

Scope of the case

6. The complainant contacted the Commissioner on 15 February 2019 to complain about Hampshire Constabulary's failure to respond to his information request.
7. On 8 March 2019 the Commissioner wrote to Hampshire Constabulary, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
8. Hampshire Constabulary replied on 12 March 2019 stating that it provided its response on 14 December 2018. However, it became apparent that the response had been sent to an incorrect email address which did not belong to the complainant.
9. The Commissioner has considered whether Hampshire Constabulary has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

10. 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."

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 Hampshire Constabulary did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Hampshire Constabulary has breached section 10(1) by failing to respond to the request within 20 working days.

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

Website: 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
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