

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 June 2019

Public Authority: Chief Constable of Humberside Police

Address: Humberside Police HQ
Priory Road
Hull
HU5 5SF

Decision (including any steps ordered)

1. The complainant requested information relating to authorised firearms officers' body worn video.
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 12 March 2019, the complainant wrote to Humberside Police and requested information in the following terms:

"I would be most grateful if Humberside Police could provide full and complete copies, including any associated background documents, of their policies and procedures, including implementation and review dates, relating to the processing, storage and retention of personal data that is obtained by your organisation's Authorised Firearms Officers wearing and operating Body Worn Video (BWV) devices."

6. Humberside Police acknowledged the request on 12 March 2019.
7. As no response had been provided, the complainant contacted Humberside Police on 15 April 2019 to request an internal review. Humberside Police acknowledged this correspondence but, to date, it has failed to provide a substantive response to the request.

Scope of the case

8. The complainant contacted the Commissioner on 19 May 2019 to complain about Humberside Police's failure to respond to his information request.
9. On 3 June 2019 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.
10. Despite this intervention, as referred to above, Humberside Police has failed to provide a response to the request.
11. The Commissioner has considered whether Humberside Police has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

12. 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."*
- 13. 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.*"
- 14. From the evidence provided to the Commissioner in this case, 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 request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

Right of appeal

15. 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@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. 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.
17. 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**