

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 4 March 2020

**Public Authority:** Criminal Injuries Compensation Authority

**Address:** Atlantic Quay  
15 York Street  
Glasgow  
G2 8JQ

#### **Decision (including any steps ordered)**

---

1. The complainant requested information about policies and procedures from the Criminal Injuries Compensation Authority (the CICA).
2. The Commissioner's decision is that the CICA 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 CICA to take the following step to ensure compliance with the legislation.
  - The CICA must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. The CICA 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 30 September 2019, the complainant wrote to the CICA and, contained within a letter which discussed a wider complaint, requested information in the following terms:

*"The name and contact e mail address of that CICA senior manager is to be provided to me by e mail within the next 24 hours as is a copy of the CICA complaints procedure and a copy of the CICA staff code of conduct together with copies of all other CICA policies and similar relating to CICA staff conduct."*

6. The Commissioner has not received any evidence to suggest that the CICA acknowledged the request. To date, a substantive response has not been issued.

## Scope of the case

---

7. The complainant contacted the Commissioner on 26 December 2019 to complain about the CICA's failure to respond to their request.
8. The Commissioner has considered whether the CICA 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. On 20 January 2020 the Commissioner wrote to the CICA, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
12. Despite this intervention the CICA has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that the CICA did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the CICA 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

---

14. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

15. 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.
16. 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 .....**

**Phillip Angell**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**