

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

### **Decision notice**

**Date:** 1 October 2020

**Public Authority:** Chief Constable of Sussex Police  
**Address:** Sussex Police Headquarters  
Malling House  
Church Lane  
Lewes  
East Sussex  
BN7 2DZ

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

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1. The complainant requested information from Sussex Police about the numbers of arrests made for specified traffic offences. By the date of this notice Sussex Police had not issued a substantive response to this request.
2. The Commissioner's decision is that Sussex 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 Sussex Police to take the following step to ensure compliance with the legislation.
  - Sussex Police must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. Sussex 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

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5. On 26 June 2020, the complainant wrote to the Office of the Police and Crime Commissioner for Sussex (Sussex PCC) and requested information in the following terms:

*"How many people in Sussex have been prosecuted and what were outcomes and sentences in say the last year for the different offences re Noisy exhausts (I gather there are several offences from unnecessary revving to retrofitting exhaust systems)? What are maximum punishments for these different offences?"*

6. Sussex PCC replied on 10 July 2020 to advise that they did not hold the requested information and that the complainant should send their request to Sussex Police.
7. On 11 July 2020 the complainant contacted Sussex PCC to ask them to forward the request to Sussex Police.
8. On 17 July 2020 Sussex PCC forwarded the request directly to Sussex Police in the following terms:

*"Please see the correspondence below and note the request from [name redacted], I would be grateful if you could please log his request and respond to him under the Freedom of Information Act, copying to our office also."*

## Scope of the case

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9. The complainant contacted the Commissioner on 19 August 2020 to complain about Sussex Police's failure to respond to their request.
10. The Commissioner has considered whether Sussex Police has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

## Reasons for decision

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11. 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."*

12. 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*".
13. On 10 September 2020 the Commissioner wrote to Sussex Police, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days. The Commissioner asked Sussex Police to inform her if there were any specific reasons relating to the Covid-19 pandemic which would prevent it from providing a response to the request. Sussex Police did not reply to the Commissioner's correspondence.
14. Despite this intervention Sussex Police has failed to respond to the complainant's request for information.
15. From the evidence provided to the Commissioner in this case, it is clear that Sussex Police did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Sussex 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.

## **Other matters**

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16. The Commissioner wishes to place on record her understanding of the immense pressures placed on public authorities during the coronavirus pandemic. She is sympathetic to the difficult decisions such authorities must make, between prioritising front-line services and continuing to meet their obligations under the FOIA.

## Right of appeal

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17. 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)

18. 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.
19. 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**