

Freedom of Information Act 2000 (FOIA)

Decision Notice

Date: 11 December 2020

Public Authority: Northern Ireland Policing Board
Address: Waterside Tower
31 Clarendon Road
Belfast
BT1 3BG

Decision (including any steps ordered)

1. The complainant requested information relating to Injury on Duty appeals. The Policing Board failed to respond to the request until the Commissioner intervened. Accordingly the Commissioner's decision is that the Policing Board has failed to comply with section 10(1) of FOIA. Since the Policing Board has now issued a response the Commissioner does not require any steps to be taken.

Request and response

2. On 5 February 2020 the complainant requested the following information from the Policing Board:
 1. *Total number of Injury on Duty APPEALS sent by NIPB to DOJNI during 2019.*
 2. *Total number of IOD Appeals held by NIPB on the 23.12.19 and waiting to be sent to DOJNI*
 3. *Confirm AVERAGE TIME over past 12 months taken by NIPB to send IOD Appeals to DOJNI*
 4. *Provide NIPB policy document for processing and actioning IOD Appeals requiring to be sent to DOJNI*

5. How many complaints has NIPB received relating to IOD Appeal applications during 2019?

6. What immediate action does NIPB take upon receipt of a completed IOD Appeal application? Does NIPB periodically update Appellants on the state of Appeal applications. If not why not? If yes what are the time intervals for individual application notification for delay?

7. The IOD Regulations 2006 are silent regarding method of referral of Appeal applications to NIPB. Is submission of an IOD appeal acceptable to NIPB in email format? If not, why does NIPB insist on IOD Appeals requiring to be completed in other format, thus requiring unnecessary cost by mail or hand delivery to Waterside Tower

8. The 2006 IOD Regulations confirm upon receipt of Notice of Appeal and Statement of Grounds for Appeal NIPB SHALL FORWARD THE PAPERS TO THE SECRETARY OF STATE (DOJNI). Why is NIPB failing to act promptly in accordance with this existing legal requirement and holding some Appeal Papers for inordinate lengths of time?

3. The Policing Board acknowledged receipt of the request on 5 February 2020.
4. The complainant wrote to the Policing Board on 23 March 2020 and 20 June 2020 as he had not received a response to his request.

Scope of the case

5. The complainant contacted the Commissioner on 2 September 2020 to complain that he had not received a response to his request.
6. The Commissioner wrote to the Policing Board on 19 September 2020 to request that it respond to the complainant's request. Following the Commissioner's intervention the Policing Board issued a substantive response to the complainant on 27 November 2020.
7. However the complainant asked that the Commissioner issue a decision notice recording the time taken to respond to his request.

Reasons for decision

Section 1: general right of access

Section 10(1): time for compliance

8. Section 1(1)(a) of FOIA requires a public authority to inform the complainant in writing whether or not recorded information is held that is relevant to the request. Section 1(1)(b) requires that if the requested information is held by the public authority it must be disclosed to the complainant unless a valid refusal notice has been issued.
9. Section 10(1) requires that the public authority comply with section 1 promptly, and in any event no later than 20 working days after the date of receipt of the request.
10. The Policing Board issued its response over nine months after the request was first submitted. This clearly exceeds the statutory time for compliance of 20 working days.
11. In light of the above Commissioner records that the Policing Board failed to comply with section 10(1) in respect of section 1(1)(a) and section 1(1)(b) of FOIA.

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 123 4504
Fax: 0870 739 5836

Email: GRC@justice.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 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

Sarah O’Cathain
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