

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 June 2021

Public Authority: Chief Constable of Greater Manchester Police
Address: Openshaw Complex
Lawton Street
Manchester
M11 2NS

Decision (including any steps ordered)

1. The complainant requested from the Chief Constable of Greater Manchester Police ("GMP") information relating to hate crimes. By the date of this notice GMP had not provided a substantive response to the request.
2. The Commissioner's decision is that GMP has failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires GMP to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response to the request in accordance with its obligations under the FOIA.
4. GMP must take these steps 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 17 February 2021, the complainant wrote to GMP and requested information in the following terms:

"I am writing to you under the Freedom of Information Act 2000 to request the following information:

1a) The number of hate crime reports received by your police force for the time period January 2011 to January 2021 broken down by month. If you hold the data in another form such as quarterly, please provide that. If you do not hold data for January 2021, please provide data up to the latest available time period.

1b) Please provide this monthly (or quarterly or equivalent) data broken down by type of hate crime such as racially aggravated/religious/transgender etc. Please also break it down by how it was reported e.g. 999, 101, front counter, officer on the street, third party, online reporting, and who reported it e.g. police officer, hate crime reporting centre, member of the public. It is my understanding that the data should be held in a retrievable format for the first two of these requests; if you do not hold retrievable data for the third request (who reported it) and to provide that would trigger the cost exemption, please ignore this third request.

1c) Please also provide this monthly (or quarterly or equivalent) data broken down by outcome. At the absolute minimum, please provide this broken down by i) reports that did not make it past the crime bureau stage, ii) reports filed pending further information, iii) reports that led to arrest, iv) reports that led to charge. I would expect to received [sic?] more detailed data however, with an outcome listed for every report.

2) Please provide us with the criteria the crime bureau (or similar) uses to determine whether a hate crime report should be allocated to an officer (ie the first step in beginning an investigation). If this takes the form of a document or flow chart or any other file, please provide the original material. If to do so is operationally sensitive, please provide a general overview of the criteria used and explain the reasons for doing so.

3) Please provide the number of hate crime reports that resulted in referral to the CPS. Again, please break this down by time period, type, how it was reported, and who reported it, assuming that all these things can be fulfilled without triggering the cost

exemption. If you do not hold this data and to retrieve it would trigger the cost exemption, please disregard this request."

6. On 23 March 2021, as the complainant had not received a response, she wrote to GMP to ask for an update on the status of her request.
7. GMP wrote to the complainant on 24 March 2021 to acknowledge the request, and to provide the complainant with an update on the status of her request
8. On 19 April 2021, as the complainant had not received a response, she wrote to GMP again to ask for an update on the status of her request.
9. GMP wrote to the complainant on 22 April 2021 to provide her with an update on the status of her request. By the date of this notice the Council had not provided a substantive response to the request.

Scope of the case

10. The complainant contacted the Commissioner on 6 May 2021 to complain about GMP's failure to respond to her request.
11. The Commissioner contacted GMP on 7 June 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
12. The Commissioner also contacted the complainant on 7 June 2021 to explain that GMP had been given 10 working days from that date within which to provide a response to their request.
13. The complainant has provided evidence that she has received an acknowledgement from GMP but, by the date of this notice, had not received a substantive response to her information request.
14. The scope of this notice and the following analysis is to consider whether GMP has complied with section 10 of the FOIA.

Reasons for decision

15. Section 10 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.*
- 16. Section 10 of the FOIA states that responses to requests made under the Act must be provided, *"promptly and in any event not later than the twentieth working day following the date of receipt."*
- 17. GMP did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that GMP has breached section 10 of the FOIA.

Right of appeal

18. 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

19. 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.
20. 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

Susan Duffy
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF