

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 October 2021

Public Authority: Chief Constable of Avon and Somerset
Constabulary

Address: Force Headquarters
PO BOX 37
Portishead
Bristol
BS20 8QC

Decision (including any steps ordered)

1. The complainant requested from the Chief Constable of Avon and Somerset Constabulary ("Avon and Somerset Police") information relating to email correspondence and related meeting papers between Avon and Somerset Police and employees of Reach PLC between 20/3/2021 and 05/04/2021.
2. By the date of this notice Avon and Somerset Police had not provided a substantive response to this request.
3. The Commissioner's decision is that Avon and Somerset Police has failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
4. The Commissioner requires Avon and Somerset Police 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.
5. Avon and Somerset Police 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

6. On 5 April 2021, the complainant wrote to Avon and Somerset Police and requested information in the following terms:

"1) I wish to see full copies of all emails between the press team and senior staff with employees of Reach PLC dated 20/3/2021 through to 05/04/2021.

Where an email has been identified please disclose the full thread. Please also search draft and (where possible) deleted email folders.

Please also include any attachments.

2) Full copies of any minutes, agendas and briefing notes of meetings held with employees of Reach PLC dated 20/3/2021 through to 05/04/2021."

7. Avon and Somerset Police acknowledged the request on 7 April 2021.

Scope of the case

8. The complainant contacted the Commissioner on 4 September 2021 to complain about Avon and Somerset Police's failure to respond to his request.
9. The Commissioner contacted Avon and Somerset Police on 29 September 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
10. The Commissioner also contacted the complainant on 29 September 2021 to explain that Avon and Somerset Police had been given 10 working days from that date within which to provide a response to his request.
11. By the date of this notice Avon and Somerset Police had not responded to the complainant.
12. The scope of this notice and the following analysis is to consider whether Avon and Somerset Police has complied with section 10 of the FOIA.

Reasons for decision

13. Section 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.

14. 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.*"

15. Avon and Somerset Police did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that Avon and Somerset Police has breached section 10 of the FOIA.

Right of appeal

16. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

17. 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.
18. 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

Michael Lea
Team Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF