

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

### **Decision notice**

**Date:** 1 December 2021

**Public Authority:** Chief Constable of Essex Police  
**Address:** PO Box 2  
Springfield  
Chelmsford  
Essex  
CM2 6DA

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

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1. The complainant requested information regarding correspondence held by Essex Police relating to Police Injury Pension Reviews. By the date of this notice, Essex Police had not issued a substantive response to this request.
2. The Commissioner's decision is that Essex 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 Essex Police to take the following step to ensure compliance with the legislation.
  - Essex Police must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. Essex 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 7 August 2021, the complainant wrote to Essex Police and requested information in the following terms:

*"Dear Essex Police,*

*Please provide me with emails and all other correspondence between [name and job title redacted] and [name and job title redacted] in respect of Police Injury Pension Reviews. Correspondence may also use alternative references such as-*

*Reassessment of injury pensioners degree of disablement  
Injury Award Reviews  
Injury Benefit Pensioners  
Assessment of Degree of Disablement.*

*I understand that some correspondence may have to be redacted due to naming of third parties.*

*To cut down on time and costs I am only requesting correspondence between 1st November 2020 to 1st August 2021.*

*Yours faithfully"*

6. Essex Police acknowledged the request on 9 August 2021. To date, a substantive response to the request has not been issued.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 26 October 2021 to complain about Essex Police's failure to respond to their request.
8. The Commissioner has considered whether Essex 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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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 5 November 2021 the Commissioner wrote to Essex Police, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
12. Despite this intervention, Essex Police has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that Essex Police did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Essex 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.

## Right of appeal

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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: 0203 936 8963

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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**