

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

### **Decision notice**

**Date:** 22 November 2022

**Public Authority:** Chief Constable of Dyfed Powys Police  
**Address:** Police Headquarters  
PO box 99  
Llangunnor  
Carmarthen  
SA31 2PF

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

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1. The complainant submitted a request to Dyfed Powys Police for information relating to the number and type of homicide offences within a 12-month period.
2. The Commissioner's decision is that Dyfed Powys Police correctly applied section 30(1)(a) of FOIA to the request. However in failing to respond to the request within the statutory timescale, the Commissioner has determined that Dyfed Powys Police breached section 10(1) of FOIA.
3. The Commissioner does not require any further steps.

### **Request and response**

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4. On 20 April 2022, the complainant made the following request for information under FOIA:

"Could you tell me please:

The number of homicide offences recorded in the 12 months to March 31, 2022, broken down by age of the victim.

If possible within cost limits, please state whether the offence is murder, manslaughter or infanticide.”

5. Dyfed Powys Police responded on 30 May 2022 providing the complainant with information on three homicides but withheld information regarding four other offences, applying section 30(1)(a).
6. On 6 June 2022, the complainant requested an internal review. Dyfed Powys Police provided the complainant with its response to the internal review request on 7 June 2022 in which it upheld its response.

## Reasons for decision

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### Section 30-Investigations and proceedings

7. Section 30(1)(a) of FOIA states:

“Information held by a public authority is exempt information if it has at any time been held by the authority for the purpose of –

  - (a) any investigation which the public authority has a duty to conduct with a view to it being ascertained –
    - (i) whether a person should be charged with an offence...
8. The Commissioner has issued guidance on section 30<sup>1</sup> which states that section 30(1)(a) can only be claimed by public authorities that have a duty to investigate offences.
9. The Commissioner considers that the phrase ‘at any time’ means that information can be exempt under section 30(1) of FOIA if it relates to a specific ongoing, closed or abandoned investigation.
10. Dyfed Powys Police confirmed that seven relevant investigations had been identified; three were disclosed in accordance with the requested breakdown, and the remaining four had been withheld as investigations remain on-going.

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<sup>1</sup> <https://ico.org.uk/media/for-organisations/documents/1205/investigations-and-proceedings-foi-section-30.pdf>

11. Furthermore Dyfed Powys Police have informed the complainant that they may wish to resubmit their request at a later date when this stance may have changed.
12. The Commissioner has considered the responses provided by Dyfed Powys Police and is satisfied it has correctly engaged section 30(1) of FOIA.
13. When considering whether the public interest test favours maintaining the exemption or disclosing the requested information, Dyfed Powys Police has stated that disclosure of the information would provide satisfaction to the public that cases are investigated thoroughly, and offenders are being dealt with accordingly. However, Dyfed Powys Police explained that releasing details of an ongoing investigation could undermine and prejudice these investigations.
14. The Commissioner considers there is a public interest in Dyfed Powys Police being open and transparent and of increasing the public's awareness and knowledge of cases being investigated. However, he is mindful that the purpose of section 30 is to protect the effective investigation and prosecution of offences. As such the Commissioner is satisfied that, in this case, the public interest test favours maintaining the exemption.
15. Therefore, the Commissioner's decision is that the Dyfed Powys Police was entitled to rely on section 30(1)(a) of FOIA to withhold the requested information and the public interest in maintaining the exemption outweighs the public interest in disclosure.

### **Section 10 – time for response**

16. Section 10(1) of FOIA states that a public authority must respond to a request promptly and in any event not later than the twentieth working day following the date of receipt.
17. The request for information was made on 20 April 2022 and Dyfed Powys Police provided a response on 30 May 2022.
18. As this was more than 20 working days after the request was made, the Commissioner finds that Dyfed Powys Police breached section 10(1) of FOIA.

## **Right of appeal**

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19. 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)

20. 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.
21. 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**

**Phillip Angell**  
**Head of Freedom of Information Casework**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**