

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 August 2022

Public Authority: Chief Constable of Surrey Police
Address: PO Box 101
Guildford
Surrey
GU1 9PE

Decision (including any steps ordered)

1. The complainant has requested information about mobile fingerprint technology. At the date of this notice Surrey Police has not provided a response to the request.
2. The Commissioner's decision is as follows:
 - Surrey Police has breached section 10(1) of FOIA as it has not responded to the request within the required timescale.
3. The Commissioner requires Surrey Police to take the following step to ensure compliance with the legislation:
 - Provide a response to the complainant's request of 18 March 2022 that complies with FOIA.
4. Surrey 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

5. On 18 March 2022 the complainant wrote to Surrey Police and requested information in the following terms:

Freedom of Information Act 2000 ("FOIA") Request

This is a request under the Freedom of Information Act for information regarding your force's use of mobile fingerprint technology.

Please provide the following information about your force's use of mobile biometric technology for the periods between April 2020 and the end of December 2021; if you do not hold this information for the whole length of the period stated above, please provide it for the period starting from the date you began recording the information:

1. The number of times the mobile biometrics devices were used.
2. The following information about each search: which database was searched (Police [IDENT1] or Immigration [IABS]) or both, date, reason for fingerprinting, officer defined ethnicity, self defined ethnicity, gender of the person scanned, age of person scanned, PNC search location, response (i.e. whether the search returned a record. If so, please specify which database the record was returned from).
3. How many times was Command & Control contacted following a search.
4. The location of where the initial Stop and Scan was done (e.g. street, neighborhood [sic], city, patch), however your force records this.
5. If your force does not currently use mobile biometric scanners, please state if there are plans to adopt the use of the devices, and if yes on what date.

If you believe that any of these individual questions will or are likely to cause the request to exceed the 'appropriate' time limit under Section 12(1) of the Freedom of Information Act 2000, or should you require any clarification of the above questions, please do not hesitate to contact me and I will revise the request accordingly.

Please send the requested information by email to [redacted] and do not hesitate to contact me should you wish to discuss this matter.

If further information is required to process this request, then please kindly contact me by return for clarification, and provide any information that you can obtain in the meantime.

This request was submitted on 18th March 2022 and I therefore look forward to hearing from you by 19th April 2022 - within 20 working days in accordance with your obligations under section 10 of the Freedom of Information Act 2000.

6. Surrey Police acknowledged receipt of the request on 22 March 2022.

Scope of the case

7. The complainant contacted the Commissioner on 11 July 2022 because they had not received a response to their request.
8. The Commissioner wrote to Surrey Police on 18 July 2022 and instructed it to respond to the request within 10 working days. The complainant contacted the Commissioner again on 2 August 2022 as they still had not received a response. They requested a decision notice.
9. The Commissioner has considered Surrey Police's compliance with section 10(1) of FOIA.

Reasons for decision

10. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not exempt information.
11. Under section 10(1) of FOIA a public authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
12. In this case, the complainant submitted their request on 18 March 2022 and, to date, has not received a response. Surrey Police has therefore not complied with section 10(1) of FOIA.

Right of appeal

13. 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

14. 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.
15. 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

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