

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 November 2022

Public Authority: Chief Constable of Essex Police
Address: Essex Police HQ
Chelmsford
CM2 6DA

Decision (including any steps ordered)

1. The complainant requested information about a death. This was followed by a "meta-request" for information generated by the first request.
2. The Commissioner's decision is that the above public authority ("the public authority") failed to respond to either request within 20 working days and has therefore breached section 10 of FOIA.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to both requests.
4. The public authority 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 22 June 2022, the complainant wrote to the public authority and requested information in the following terms:

"Under the Freedom of Information Act 2000, I wish to have sight of the following:-

"1. A copy of the investigation into the circumstances of the death of

Mrs. Cynthia Jarrett on 5 October 1985 - including any pictures, illustrations, statements etc. Essex Police carried out the aforementioned investigation under the supervision of the Police Complaints Authority.

"2. Confirmation as to whether Assistant Chief Constable Simpson is still working for Essex Police. If not, the full date he left Essex Police. And why? (i.e. retirement)

"I would like the above information to be provided to me in paper format."

6. The public authority acknowledged the request but had failed to provide a substantive response by the date of this notice.

7. On 22 July 2022, the complainant submitted a second request to the public authority:

"Under the Freedom of Information Act 2000, could I please request the following:-

"Copies of all emails/letters/internal memos/handwritten notes and so forth that have been sent and received in respect of the Freedom of Information Act (FOIA) request I submitted to you via email on 22 June 2022. For ease, the reference number is: FOI 17202."

8. The public authority also acknowledged this request but had, again, failed to respond by the date of this notice.

Reasons for decision

9. The Commissioner is satisfied that both requests were valid requests for the purposes of FOIA. The public authority was therefore under an obligation to respond to each one within 20 working days of receipt.

10. As the public authority has failed to respond to either request it has breached section 10 of FOIA in respect of both requests.

Right of appeal

11. 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

12. 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.
13. 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

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