

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

### **Decision notice**

**Date:** 20 April 2023

**Public Authority:** Chief Constable of Merseyside Police

**Address:** Merseyside Police Headquarters

15 Cazneau Street

Liverpool

L3 3AN

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

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1. The complainant requested information relating to the Chief Constable of Merseyside Police (Merseyside Police) accessing information from the National Student Database in 2019. By the date of this notice Merseyside Police had not issued a substantive response to this request.
2. The Commissioner's decision is that Merseyside Police has breached section 10(1) of 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 Merseyside Police to take the following step to ensure compliance with the legislation.
  - Merseyside Police must provide a substantive response to the request in accordance with its obligations under FOIA.
4. Merseyside 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 FOIA and may be dealt with as a contempt of court.

## Request and response

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5. On 4 August 2022, the complainant wrote to Merseyside Police and requested information in the following terms:

"I would like to request:

- What type of crime Merseyside police was investigating when it requested information about 2,136 [sic] from the National Student Database in 2019?
- Which individuals approved the access to the information and what entities they were working for when they approved this access?
- I would also like to request a copy of all documents associated with the approval process for gaining access to this information."

6. The Commissioner understands that Merseyside Police has repeatedly requested extensions for responding to this request. The Commissioner has been provided with a copy of an email that Merseyside Police sent to the complainant on 23 December 2022, advising that it needed to make further enquires and referencing an extension notice already given to the complainant on 31 December 2022. Merseyside Police stated that to ensure it gave a reasonable response to the request, it had extended its deadline for responding to 28 January 2023.

7. To date, a substantive response has not been issued.

## Reasons for decision

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8. Section 1(1) of 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."

9. Section 10(1) of 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".

10. On 15 February 2023, the Commissioner wrote to Merseyside Police, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
11. Despite this intervention Merseyside Police has failed to respond to the complainant.
12. From the evidence provided to the Commissioner in this case, it is clear that Merseyside Police did not deal with the request for information in accordance with FOIA. The Commissioner finds that Merseyside 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 FOIA.

## Right of appeal

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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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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 .....**

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