

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 31 August 2023

Public Authority: Office of the Police and Crime Commissioner for South Yorkshire

Address: Victory House
Benton Lane
Newcastle upon Tyne
NE12 8EW

Decision (including any steps ordered)

1. The complainant requested information from Office of the Police and Crime Commissioner for South Yorkshire ("the OPCC"). By the date of this notice the OPCC had not issued a substantive response to this request.
2. The Commissioner's decision is that the OPCC 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 the OPCC to take the following step to ensure compliance with the legislation.
 - The OPCC must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The OPCC 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

5. On 1 February 2022, the complainant wrote to the OPCC and requested information in the following terms:

“Please provide the recorded information related solely to child sex exploitation to support your statement.

This will include but not necessarily limited to, since the Jay report:

- the number of prosecutions of non-white males
- the number of prosecutions of white males.

Please include the basic details, i.e. dates of offences, etc.

Please include the documents showing the source of your statement.”

6. The complainant thereafter sent a series of chasers to the OPCC pressing them to respond.

Reasons for decision

7. 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.”

8. 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”.

9. On 7 July 2023 the Commissioner wrote to the OPCC, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.

10. Despite this intervention the OPCC has failed to respond to the complainant.

11. From the evidence provided to the Commissioner in this case, it is clear that the OPCC did not deal with the request for information in accordance with FOIA. The Commissioner finds that the OPCC 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

12. 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-regulatorychamber

13. 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.
14. 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
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Water Lane
Wilmslow
Cheshire
SK9 5AF