

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

### **Decision notice**

**Date:** 28 September 2023

**Public Authority:** Chief Constable of North Wales Police  
**Address:** Police Headquarters  
Glan-y-Don  
Abergele Road  
Colwyn Bay  
LL29 8AW

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

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1. The complainant submitted a request to the Chief Constable of North Wales Police (North Wales Police) for information relating to a specific road traffic accident.
2. The Commissioner's decision is that on the balance of probabilities, North Wales Police does not hold any information within the scope of the request and has therefore complied with section 1(1) of FOIA.
3. The Commissioner does not require further steps as a result of this decision notice.

## Request and response

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4. On 24 March 2023, the complainant wrote to North Wales Police and requested information in the following terms. For clarity, the Commissioner has identified the questions within the request submitted and has numbered them:
  - “1. I am seeking any available information concerning a fatal RTA which occurred on [redacted].
  2. I am interested to ascertain whether detailed mechanical examinations of both vehicles were undertaken and if so what the results of these examinations were.
  3. Are you able to advise me what the regulations were in 1987?
  4. Was the camber or the general condition of the road taken into consideration during the investigation of the accident?
  5. I should be grateful if you could provide me with the information that I have requested together with any other relevant information, for instance a coroner’s report or a summary thereof.”
5. A response was provided on 11 April 2023 in which North Wales Police confirmed that it did not hold any information in relation to the request.
6. Upon receiving this response, the complainant submitted an internal review request. After waiting the allocated time for North Wales Police to conduct an internal review, the complainant contacted the Commissioner and their case was accepted, without an internal review response.

## Reasons for decision

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### Section 1 (Held/Not Held)

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. The Commissioner has sought to determine whether, on the balance of probabilities, North Wales Police holds the requested information.

9. In submissions to the Commissioner, North Wales Police explained that it had asked the collisions department for assistance with the matter, and they confirmed that records from this period were destroyed "about 15 years ago", and that this was in accordance with North Wales Police's retention and disposal schedule.
10. It further explained that it does not hold a record of the destruction of the documents from that time, because its current record management system came in to force in 2008, and any databases prior to this are no longer accessible.
11. North Wales Police confirmed that any documents, regarding the accident, would have been held as paper files and retained for six years after the collision. After this, the documents would have been forwarded to the Transport Research Laboratory (TRL) for research and storage. North Wales Police further explained that once the collision date has reached 10 years, the files are then destroyed by TRL.
12. The Commissioner notes the complainant's comments that they had contacted North Wales Police in Caernarfon and that an officer confirmed that "all records of road traffic accidents involving fatalities were stored on micro-fiche files and are held indefinitely".
13. The Commissioner questioned North Wales Police regarding this, and it confirmed that the specialist department who manages this information has confirmed that this is not the case and suggested that the complainant "may have been referring to the coroner's office". Furthermore, North Wales Police have confirmed that it has asked the coroner's office to conduct a search of their archives for information relating to this road traffic accident.
14. Having considered all the circumstances in this case, and on the balance of probabilities, the Commissioner is satisfied that North Wales Police does not hold any information falling within scope of the complainant's request and that it has therefore complied with section 1(1) of FOIA.

## **Other matters**

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15. There is no obligation under FOIA for a public authority to provide an internal review process. However, it is good practice to do so and, where an authority chooses to offer one, the section 45 Code of Practice sets out, in general terms, the procedure that should be followed.

16. In this case the complainant requested an internal review on 23 April 2023 and North Wales police did not respond. The Commissioner reminds North Wales Police of its obligations under the Code of Practice<sup>1</sup>.
17. As well as not responding to the complainant's internal review request, North Wales Police's initial response was very brief, suggesting that it had not carried out any searches in relation to the request. The Commissioner draws the attention of North Wales Police to his guidance on section 1 of the FOIA<sup>2</sup>, and the need to undertake adequate searches before determining whether information is held.

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<sup>1</sup> <https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/freedom-of-information-and-environmental-information-regulations/section-45-code-of-practice-request-handling/>

<sup>2</sup> [Determining whether we hold information | ICO](#)

## Right of appeal

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18. 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)

19. 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.
20. 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

**Joanna Marshall**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**