

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 November 2023

Public Authority: Chief Constable of South Wales Police

Address: Police Headquarters
Cowbridge Road
Bridgend
CF31 3SU

Decision (including any steps ordered)

1. The complainant requested information from South Wales Police (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority 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 public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The public authority 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 19 June 2023, the complainant wrote to the public authority and requested information in the following terms:

"I would like to know how much the Wales LGBT+ Police Network, and any other police network within Wales, has spent sponsoring Pride Cymru since 2000 - 2023. If possible, I would like this to be broken down by year.

In return for sponsoring, what does Pride Cymru promise in return? I'd also like to request any communication between the police, or the Wales LGBT+ Police Network that is able to be released. This would include emails discussing the sponsorship, promotional materials they sent over in return, and communications sent out to members of the network in relation to Pride Cymru."

6. On 28 September 2023, the public authority wrote to the complainant to request clarification and the complainant provided the following detail the same day:

"To clarify I was interested in communication between South Wales Police, and Pride Cymru. And/or communication between the LGBT+ Police Network and Pride Cymru. I'm aware of course that a vast amount of information between Pride Cymru and the police may not be able to be released due to potentially being connected to investigations. So in that case I am specifically interested in emails discussing sponsorship, promotional materials they sent over in return, and communications sent out to members of the LGBT+ network in relation to Pride Cymru."

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 20 October 2023 the Commissioner wrote to the public authority, 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 public authority has failed to respond to the complainant.
11. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority 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.

Other matters

12. The Commissioner reminds the public authority that requests should be scoped promptly and appropriately upon receipt. Where clarification is required, it should be sought as soon as possible and not months after the request was originally made.

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

Roger Cawthorne
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