

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 September 2024

Public Authority: Chief Constable Humberside Police
Address: Police Headquarters
Priory Road
Hull
HU5 5SF

Decision (including any steps ordered)

1. The complainant has requested information regarding information request compliance statistics from Chief Constable Humberside Police.
2. The Commissioner's decision is that the above public authority ("the public authority") breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner does not require further steps to be taken.

Request and response

4. On 1 April 2024, the complainant wrote to the public authority and requested information in the following terms:

"Under the FOIA please provide me with the appropriate procedure that you have put in place to ensure you achieve 90% timeliness

The ICO also stated that the Humberside Police should use the commissioner's FOI tool kit to improve your timeliness compliance.

Under the FOIA please provide the with the date you first started using the commissioner's FOI tool kit.

I also note that no internal review statistics have been published on your website.

Under the FOIA please provide me with your internal review statistics for 2023/2024.

The Humberside police also had a backlog of FOIA requests. This was a great concern to the ICO.

Under the FOIA please provide me with your most recent backlog statistics”.

5. The public authority responded on 24 May 2024.

Scope of the case

6. The complainant has confirmed that they are happy with the information they have now received, but wish to have the late response formally recorded.

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. 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.

Other matters

10. The complainant requested an internal review on 24 May 2024. They affirmed that a review should be conducted regarding the timeliness of the public authority's initial response.
11. As set out in the FOIA section 45 Code of Practice (paragraph 5.5), a public authority should complete an internal review within 40 working days. In this instance, the public authority failed to do so.
12. It is uncommon for a complainant to request an internal review solely regarding the length of time it has taken to respond to a request. Whilst the Code of Practice states that a complainant can challenge either the outcome or the process of the handling of the initial response, the Commissioner would advise that should the complainant only have been dissatisfied with the timeliness of the response, to submit a complaint in the first instance.

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.

**Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**