

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 15 May 2013

**Public Authority:** Chief Constable of West Yorkshire Police  
**Address:** West Yorkshire Police HQ  
Laburnum Road  
Wakefield  
WF1 3QP

### Decision (including any steps ordered)

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1. The complainant has requested correspondence involving Sir Norman Bettison relating to Hillsborough; to date the public authority has not provided a substantive response. The Commissioner's decision is that the public authority has failed to provide a response to the request within the statutory time frame of 20 working days. He requires it to comply with the request or issue a valid refusal notice as set out in section 17 of the FOIA.
2. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Information Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.

### Request and response

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3. The following request was acknowledged by the public authority on 8 October 2012:

*"1. Please disclose all internal communications and correspondence in September 2012 involving Sir Norman Bettison (that is: sent or received by him) relating to*

*Hillsborough. This includes emails, letters, notes and drafts of statements.*

*2. Please disclose all external communications and correspondence in September 2012 involving Sir Norman Bettison (that is: sent or received by him) relating to Hillsborough. This includes emails, letters, notes and drafts of statements."*

4. The public authority apologised for the delay in responding on a number of occasions. It made reference to considering the public interest in disclosure on one of these occasions, but did not confirm it held information and did not advise which exemption it was considering.

## **Scope of the case**

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5. On 13 March 2013 the complainant contacted the Information Commissioner to complain about the lack of response by the public authority to his request for information. This was confirmed to remain the position at the time of drafting this decision notice.

## **Reasons for decision**

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### **Section 10 – time for compliance**

6. Section 10(1) of the FOIA provides that a public authority is required to provide a response to an information request within 20 working days of receipt. Such a response should, in accordance with section 1(1) of the FOIA, confirm or deny whether the requested information is held. In relation to any information that is held, this should either be disclosed, or the requester should be given a valid explanation as to why the requested information will not be disclosed.
7. From the information provided to the Commissioner in this case it is evident that the public authority did not respond to the request within the statutory time frame and so it is in breach of section 10(1) of the FOIA. It is required to issue a formal response.

## Right of appeal

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8. 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: 0300 1234504

Fax: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

9. 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.
10. 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 .....**

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