

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 July 2019

Public Authority: Chief Constable of Northamptonshire Police

Address: Force Headquarters

Wootton Hall

Northampton

NN4 0JQ

Decision (including any steps ordered)

1. The complainant requested information on the service records of both retired and active police officers.
2. The Commissioner's decision is that Northamptonshire Police has breached section 10 (1) of the 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 Northamptonshire Police to take the following step to ensure compliance with the legislation.
 - Northamptonshire Police must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. Northamptonshire Police 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 the Act and may be dealt with as a contempt of court.

Request and response

5. On 16 May 2019, the complainant wrote to Northamptonshire Police and requested information in the following terms:

"Would it be possible to get the service record for 1) retired police officer [and] 2) Active police officer under the Freedom of Information act?"

6. Northamptonshire Police acknowledged the request on 23 May 2019. To date, a substantive response has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 17 June 2019 to complain about Northamptonshire Police's failure to respond to their request and requested that a Decision Notice be issued.
8. The Commissioner has considered whether Northamptonshire Police has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

9. Section 1(1) of the 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."

10. Section 10(1) of the 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"*.
11. On 26 June 2019 the Commissioner wrote to Northamptonshire Police, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days. On 26 June 2019 Northamptonshire Police contacted the Commissioner to request a time extension to provide a substantive response beyond the 10 working days. The Commissioner did not provide a time extension.
12. Despite this intervention Northamptonshire Police has failed to respond to the complainant.

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

Right of appeal

14. 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: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

15. 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.
16. 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

Pam Clements
Group Manager
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Water Lane
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SK9 5AF