

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 May 2020

Public Authority: Office of the North Yorkshire Police, Fire and
Crime Commissioner

Address: 12 Granby Road
Harrogate
North Yorkshire
HG1 4ST

Decision (including any steps ordered)

1. The complainant requested information from the Office of the North Yorkshire Police, Fire and Crime Commissioner (the OPFCC) about the sale of a registration mark.
2. The Commissioner's decision is that the OPFCC 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 request was made on 11 December 2019 and the OPFCC did not issue a response until 14 May 2020. The Commissioner does not require the OPFCC to take any steps.

Request and response

4. On 11 December 2019, the complainant wrote to the OPFCC and requested information in the following terms:

"I am writing in connection with the recent sale of a very rare and valuable registration mark, AJ 1, which has been in the hands of the Police in the North Riding and North Yorkshire areas since 1903.

It is understood that the sale of the registration mark secured the sum of £243,000 and that the monies raised were to be used for the benefit of the communities of North Yorkshire.

It is also understood, from information provided by North Yorkshire Police, that the Office of the Police, Fire & Crime Commissioner led on and had responsibility for the sale of this registration mark.

In accordance with the Freedom of Information Act 2000 please could you supply me with the following information: -

1. Please provide details of any pre-sale valuations undertaken prior to the mark being offered for sale, to include the following information: -

Number of valuations obtained.

Name of business or qualified individuals that provided a valuation.

Valuation figures provided.

2. Please provide full details of all marketing undertaken to make the wider public aware of the availability of this mark for sale, to include the following information: -

Details of any newspaper, magazine or other periodicals in which any advert appeared of the availability of the mark AJ 1 for purchase, and the date of any such publication.

Details of any other electronic media used to advertise the mark and the date of any such publication.

Details of any other marketing or advertising undertaken that does not fall into any of the above categories.

3. Please can you provide a breakdown as to how the £243,000 raised has been spent and on what projects or other purchases, or in the case of any future project's details of the allocation of funds from the money raised."

Scope of the case

5. The complainant contacted the Commissioner on 21 February 2020 to complain about the OPFCC's failure to respond to their request.
6. The Commissioner has considered whether the OPFCC has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

7. 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."

8. 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"*.
9. On 4 March 2020 the Commissioner wrote to the OPFCC, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
10. On 2 April 2020 the OPFCC contacted the Commissioner to request an extension to reply due to capacity issues related to the Covid-19 global health crisis.
11. During the Covid-19 global health crisis, as a reasonable and proportionate regulator, the Commissioner took the decision to amend her casework approaches to reduce the burden on public authorities. She therefore agreed to the OPFCC's request for an extension to respond and did not set a specified deadline due to the prevailing circumstances.
12. From the evidence provided to the Commissioner in this case, it is clear that the OPFCC did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the OPFCC has breached section 10(1) by failing to respond to the request within 20 working days.

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: 0300 1234504

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

**Phillip Angell
Group Manager
Information Commissioner's Office
Wycliffe House
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Wilmslow
Cheshire
SK9 5AF**