

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 June 2019

Public Authority: Chief Constable of Sussex Police
Address: Sussex Police Headquarters
Malling House
Lewes
Sussex
BN7 2DZ

Decision (including any steps ordered)

1. The complainant requested information regarding Sussex Police's activities in relation to "Targeted Individuals".
2. The Commissioner's decision is that Sussex 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 Sussex Police to take the following step to ensure compliance with the legislation.
 - Sussex Police must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. Sussex 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 5 January 2019, the complainant wrote to Sussex Police and requested information in the following terms:

"This is a request for information under the Freedom of Information Act.

A Targeted Individual, otherwise described as someone who was persecuted by Sussex Police, who subjected her to extreme harassment and criminal acts when she lived in Sussex. She has clear evidence of Sussex Police being involved in harassment, intimidation, dissemination of false information and more over a period of time.

The following information is requested in relation to the activities on the part of Sussex Police:

1) Who is responsible for the control and activities of the activities surrounding Targeted Individuals, or those people who are subjected to extreme harassment by Sussex Police?

2) Is there a specific unit which directs these operations?

3) How many officers are deployed specifically on this work?

4) Sussex Police are known to be responsible for the dissemination of false information to third parties which smears the characters of these individuals. It deliberately aims to portray them in a bad light by the falsehoods spread by Sussex Police. There is specific information that a large number of individuals have been slandered (and libelled) by Sussex Police. Amongst other things, third parties have been advised they have criminal convictions when they do not.

Who is responsible for the selection of people to be targeted in this manner? Who directs these activities and controls the operation subsequently? Who undertakes the actual character assassination? Why are such individuals selected when they do not have any criminal convictions, do not commit crimes, or engage in criminal behaviour?

5) Sussex Police undertook surveillance of one particular individual selected for this treatment. Some of this was covert surveillance, such as following them on foot, use of vehicles to follow them, monitoring phone calls bank transactions and travel. Who controls these activities? Are they undertaken lawfully ie do the necessary

legal procedures be put in place beforehand (RIPA etc)? Are officers who engage in this work dedicated in a special unit or are they Police officers in general?

6) It is understood that outside agencies and third parties are used for this work. Is this the case? Who is responsible for the recruitment of these people? What sums are paid to them for this work? Are these monies subject to tax etc? How much has been paid to such people/agencies in each of the past ten years?

7) Are the costs of these activities calculated by Sussex Police? Are there any estimates of the costs involved? Are they borne by Sussex Police or another body?

8) Is the Sussex Police and Crime Commissioner advised of this particular activity?

9) Has any legal opinion been sought as to the lawfulness of these operations by Sussex Police?

10) Is it the policy of Sussex Police to target people for political reasons, or for reasons other than law enforcement?"

6. Sussex Police acknowledged the request on 7 January 2019.
7. The complainant contacted Sussex Police to chase the response on 16 February and 2 March 2019.
8. To date, Sussex Police has failed to provide a substantive response to the request.

Scope of the case

9. The complainant contacted the Commissioner on 9 May 2019 to complain about Sussex Police's failure to respond to her information request.
10. On 24 May 2019 the Commissioner wrote to Sussex Police, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
11. Despite this intervention Sussex Police has failed to respond to the complainant.
12. The Commissioner has considered whether Sussex Police has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

13. 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."

14. 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."*

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

16. 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

17. 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.
18. 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

Ben Tomes
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF