

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 9 July 2021

**Public Authority:** Chief Constable Greater Manchester Police  
**Address:** GMP Headquarters  
Central Park  
Northampton Road  
Manchester  
M40 5BP

#### **Decision (including any steps ordered)**

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1. The complainant requested information held by Greater Manchester Police (GMP) regarding internal policies, memoranda, guidance and findings of internal investigations in relation to the storage and disposal of material from criminal cases.
2. The Commissioner's decision is that GMP failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires GMP to take the following steps to ensure compliance with the legislation.
  - Issue a substantive response, under the FOIA, to the request.
4. GMP must take these steps 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 FOIA and may be dealt with as a contempt of court.

## Request and response

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5. On 21 May 2020, the complainant wrote to GMP and requested information in the following terms:

*"Dear GMP Information Compliance & Records Management Unit,*

*Re: Freedom of Information Request*

*I am writing to request the following information pursuant to the Freedom of Information Act 2000 ("FOIA").*

- 1. All internal policies, memoranda and guidance in force between 2011 and 2013 (inclusive) at Greater Manchester Police (GMP) dealing with the storage and retention of material from criminal cases.*
- 2. All internal policies, memoranda and guidance in force between 2011 and 2013 (inclusive) at GMP dealing with the destruction, weeding or disposal of material from criminal cases, including any documents which outlines the procedures to be followed when authorising and carrying out the disposal of material.*
- 3. Any findings of internal investigations or reviews into GMP practices between 2011 and 2013 (inclusive) regarding the storage, retention, destruction, weeding or disposal of material from criminal cases.*
- 4. Any records available relating to the volume of material from criminal cases destroyed, weeded or disposed of between 2011 and 2013 (inclusive), including figures for the numbers of criminal cases resulting in conviction of a defendant in which material was destroyed, weeded or disposed of.*

*I would prefer to receive this information electronically, if possible.*

*Should my request require any clarification, please do not hesitate to get in touch via email [email address redacted] or phone [telephone number redacted].*

*Should it appear that the cost of complying with this request would exceed the relevant cost limit, I would be grateful if you could please advise on how the request might be narrowed or refocused.*

*Thank you very much in advance for your assistance."*

6. The complainant wrote to GMP on 20 September 2020, 19 October 2020, 6 November 2020, 15 December 2020 and 11 February 2021. GMP acknowledged the request on 21 May 2020 and 22 September

2020 but had failed to provide a substantive response by the date of this notice.

## Scope of the case

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7. The complainant contacted the Commissioner on 15 April 2021 to complain about the failure, by GMP, to respond to the request.
8. In line with her usual practice, the Commissioner contacted GMP on 21 May 2021 to highlight the outstanding response. She requested that GMP respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
9. The Commissioner contacted the complainant on 23 June to ask whether GMP had responded to the request. The complainant confirmed the same day that they hadn't yet received a response.
10. The scope of this notice and the following analysis is to consider whether GMP has complied with section 10 of the FOIA.

## Reasons for decision

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11. 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.*

12. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
13. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, GMP has breached section 10 of the FOIA.

## Right of appeal

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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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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 .....**

**Susan Duffy**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**