

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 October 2017

Public Authority: Home Office
Address: 2 Marsham Street
London
SW1P 4DF

Decision (including any steps ordered)

1. The complainant has requested from the Home Office information regarding the uses of Taser on children aged 17 years and younger in England and Wales during 2016, broken down by age.
2. The Commissioner's decision is that the Home Office has breached section 10(1) of FOIA in the handling of this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The Home Office must provide the complainant with a response to this request in accordance with its obligations under the FOIA.
4. 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 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 24 April 2017, the complainant wrote to the Home Office and requested information in the following terms:

"Please provide me with the number of uses of Taser on children aged 17 years old and younger in England from 1 January to 31 December 2016, broken down by age, police force and type of use (preferably

categorised as fired, angled drive stun, drive stun, red dot, arcing, aimed and drawn but, alternatively, I would be happy to accept data aggregated as 'discharge' or 'non-discharge'). "

6. The complainant chased a response several times and the Home Office acknowledged the request on 10 July 2017. It stated that it would aim to provide a full response by no later than 8 August 2017.
7. At the date of this decision notice the Home Office had yet to respond substantively to this request.

Scope of the case

8. The complainant contacted the Commissioner on 25 July 2017 to complain about the way his request for information had been handled.
9. The Commissioner considers has considered whether the Home Office dealt with this request in accordance with its obligations under section 10(1) of FOIA.

Reasons for decision

10. Section 10(1) of states that:

“Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”
11. The request was made on 24 April 2017 and a response has not been issued at the date of this decision notice. The Commissioner therefore finds that the Home Office breached section 10(1) in failing to respond within 20 working days.

Right of appeal

12. 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@hmcts.gsi.gov.uk

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

13. 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.
14. 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

Alun Johnson
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Wilmslow
Cheshire
SK9 5AF