

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 October 2017

Public Authority: Chief Constable of Greater Manchester Police

Address: Greater Manchester Police
Openshaw Complex
Lawton Street
Openshaw
Manchester
M11 2NS

Decision (including any steps ordered)

1. The complainant has requested information about GMP's communications with Jewish groups, the Israeli government and its representatives and the Boycott, Divestment and Sanctions movement. Greater Manchester Police ("GMP") initially said that it did not hold any relevant information. It reversed this decision at internal review, locating and providing such information as it did hold.
2. The Commissioner's decision is that in failing to disclose the information it held within the statutory timescale, GMP breached section 10(1) of the FOIA. As a response has been provided, the Commissioner does not require GMP to take any further steps.

Request and response

3. On 22 January 2017, the complainant wrote to GMP and requested information in the following terms:

"I wish to submit a request for the disclosure of the following information:

1. *Disclosure of all data relating to any and all communications, briefings, circulars and minutes of meetings with Jewish organisations and charities in the UK, Israeli embassy staff and Israeli governments;*
2. *Any payments, trips and travel, gifts, meals, or accommodations received from the above organisations;*
3. *Information held in relation to the Boycott, Divestment and Sanctions (BDS) movement, as well as policy and law enforcement advice with regards to BDS and anti-Semitism.*

...

Please consider the timescale involved to be between the 01 October 2015 to the date of compliance with this request and the search limited to the 10 most senior officers within GMP."

4. GMP responded on 13 February 2017, as follows:

"1. No meetings have been attended.

2. Nil.

3. Greater Manchester Police does not have any specific documents that relate to the Boycott, Divestment and Sanction (BDS) movement."

5. The complainant requested an internal review on 29 March 2017, commenting that as GMP's assistant chief constable is the national police force lead on anti-Semitism, he found it implausible that it held no information which was relevant to his request.
6. GMP provided the outcome of the internal review on 19 September 2017. It revised its position. It said that it had identified that it did hold information which was relevant to the request, and it disclosed it to the complainant, with an apology that it was overlooked when initially responding.

Scope of the case

7. The complainant contacted the Commissioner on 13 July 2017 to complain about the way his request for information had been handled. At that stage he had not received the outcome of the internal review, despite chasing it up.

8. As noted above, GMP subsequently provided an internal review in which it disclosed such information as it said it held. The complainant has indicated to the Commissioner that he is satisfied with the content of that response, but not with GMP's failure to provide it when it initially responded to the request. He also considered the time taken to conduct the internal review was excessive.
9. The Commissioner has therefore considered GMP's compliance with section 10(1) (time for compliance). She has commented on the internal review in the "Other matters" section of this decision notice.

Reasons for decision

Section 1 – general right of access

Section 10 – time for compliance

10. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
11. Section 10(1) of FOIA states that:

"... 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".
12. Although GMP provided its initial response to the request within 20 working days, it incorrectly told the complainant that it did not hold the requested information. It did not confirm that it held information within the scope of the request and disclose it until the internal review, on 19 September 2017.
13. From the information provided to the Commissioner in this case it is evident that GMP did not respond correctly to the request within the statutory time frame and so it breached section 10(1) of the FOIA.
14. As well as issuing this notice, the Commissioner has made a separate record of the failure by GMP to respond to the complainant's request within the statutory timescale. This issue may be revisited should evidence from other cases suggest that this is necessary.

Other matters

Section 45 – internal review

15. The complainant considered the time taken to conduct the internal review was excessive.
16. There is no obligation under the FOIA for a public authority to provide an internal review process. However, it is good practice to do so, and where an authority chooses to offer one, the code of practice established under section 45 of the FOIA sets out, in general terms, the procedure that should be followed. The code states that reviews should be conducted promptly and within reasonable timescales.
17. The Commissioner has interpreted this to mean that internal reviews should take no longer than 20 working days in most cases, or 40 in exceptional circumstances.
18. The complainant asked for an internal review of his request on 29 March 2017 and GMP provided the outcome on 19 September 2017, 120 working days later.
19. The Commissioner considers that in failing to conduct an internal review within the timescales set out above, GMP has not acted in accordance with the section 45 code. It should adhere to these timescales when conducting internal reviews in future.

Right of appeal

20. 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

21. 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.
22. 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

Samantha Bracegirdle
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
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Cheshire
SK9 5AF