

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 September 2018

Public Authority: Chief Constable of Surrey Police
Address: Surrey Police HQ
PO Box 101
Guildford
Surrey
GU1 9PE

Decision (including any steps ordered)

1. The complainant requested information relating to the use of Tasers against children.
2. The Commissioner's decision is that Surrey 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 Surrey Police to take the following step to ensure compliance with the legislation:
 - Surrey Police must issue a response to the request in accordance with its obligations under the FOIA.
4. Surrey 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 24 May 2018, the complainant wrote to Surrey Police and requested information in the following terms:

"Under the Freedom of Information Act, please can you provide data on the number of times Tasers were used against children aged under 18 in each of the local authorities covered by the police force in 2017.

Please provide the above data broken down by age and categories of use: Drawn, Aimed, Arced, Red Dotted, Drive Stun, Angled Drive Stun and Fired.

Please could you also provide information on the youngest person a Taser was used against (age, category of use).

If possible, please provide details of the incidents where a Taser was used."

6. Surrey Police acknowledged the request on 29 May 2018, confirming that the request was being considered in accordance with the FOIA.
7. On 13 July 2018 the complainant wrote to Surrey Police to chase its response to her request.

Scope of the case

8. The complainant contacted the Commissioner on 20 July 2018 to complain about Surrey Police's failure to respond to her information request.
9. On 15 August 2018 the Commissioner wrote to Surrey Police, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
10. Despite this intervention Surrey Police has failed to respond to the complainant.

Reasons for decision

11. Section 1(1) of 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(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."*
13. From the evidence provided to the Commissioner in this case, it is clear that Surrey Police did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Surrey 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.

Other matters

14. As well as finding above that Surrey Police is in breach of the FOIA, the Commissioner has also made a record of the delay in this case. This may form evidence in future enforcement action against Surrey Police should evidence from other cases suggest that there are systemic issues within Surrey Police that are causing delays.

Right of appeal

15. 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

16. 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.
17. 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

Deborah Clark
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SK9 5AF