

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 September 2018

Public Authority: Chief Constable of Staffordshire Police

Address: Police Headquarters

PO Box 3167

Stafford

ST16 9JZ

Decision (including any steps ordered)

1. The complainant requested information regarding the handling of sensitive medical information from Staffordshire Police.
2. The Commissioner's decision is that Staffordshire Police 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. As a response has now been provided, the Commissioner does not require Staffordshire Police to take any steps.

Request and response

4. On 21 June 2018, the complainant wrote to Staffordshire Police and requested information in the following terms:

"1. Any internal documents, policies, procedures or protocols for the management and handling of sensitive medical information:

2. Any documents which display the 'Audit' of how the above procedure has been complied with or amended to ensure consistent compliance"

5. Staffordshire Police replied on 3 July 2018 and asked the complainant to clarify part 2 of the request.
6. On 8 July 2018, the complainant provided the following clarification, which was received by Staffordshire Police on 10 July 2018:

"My personal interpretation of the meaning of question (2) assuming that SP has a 'Protocol' or system in place for the management of 'Sensitive Medical Data' and documents exist as at question (1) is as follows;

"Audit" To conduct an official inspection, examine, scrutinise, assess, appraise or evaluate the process in order to ensure compliance with the 'Protocols' and 'Standard Operating Procedure.'

That would be my interpretation of the terminology provided by the ICO and the above is certainly what was intended by the request. In the simplest form I believe the terminology means a 'Management or Force Data Security Officer inspecting the system in place to ensure compliance with the DPA/GDPR.'

7. Staffordshire Police provided its substantive response on 23 August 2018.

Scope of the case

8. The complainant contacted the Commissioner on 28 August 2018 to complain about Staffordshire Police's handling of his information request.
9. On 31 August 2018 the Commissioner wrote to Staffordshire Police, reminding it of its responsibilities and drawing its attention to the statutory time for compliance.
10. The complainant wrote to the Commissioner again on 3 September 2018 to request that Staffordshire Police's failure to respond within the statutory time limit was formally recorded.
11. The scope of this decision is therefore to consider Staffordshire Police's compliance with section 10 of the FOIA.

Reasons for decision

12. 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."

13. Section 1(3) of the FOIA stipulates that, where an authority has informed the requester that it requires clarification, it will not be under any further obligation to comply until the requester supplies the information it requires.
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. Clarification of the request was provided by the complainant on 8 July 2018 and received by Staffordshire Police on 10 July 2018. However, a substantive response was not provided by Staffordshire Police until 23 August 2018.
16. From the evidence provided to the Commissioner in this case she finds that Staffordshire Police breached section 10(1) by failing to respond to the clarified request within 20 working days.

Other matters

17. As well as finding above that Staffordshire 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 Staffordshire Police should evidence from other cases suggest that there are systemic issues within Staffordshire Police that are causing delays.

Right of appeal

18. 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

19. 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.
20. 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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