

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

### **Decision notice**

**Date:** 20 December 2018

**Public Authority:** Chief Constable of Sussex Police

**Address:** Sussex Police Headquarters

Malling House

Lewes

Sussex

BN7 2DZ

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

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1. The complainant has requested information about thefts and damage to vehicles at Gatwick Airport long stay car parks.
2. The Commissioner's decision is that Sussex Police has breached section 10(1) of the FOIA in that it failed to provide a substantive response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires Sussex Police to take the following step to ensure compliance with the legislation.
  - Sussex Police must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. Sussex 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

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5. On 28 May 2018, the complainant wrote to Sussex Police and requested information in the following terms:

*"Can you supply me with the number of reported thefts and/or damage caused to vehicles by person(s) attempting to steal items from vehicles whilst parked in any of the Gatwick 'official' car parks operated by Gatwick parking services in partnership with empark (trade mark).*

*The requested information you supply is to include dates, times, location (i.e. car park with zone and row if known) and whether the vehicle (make/model) was commercial or private and how entry was gained/attempted and if possible the type of items stolen from commercial vehicles (e.g. power tools, tools etc)."*

6. Sussex Police responded on 30 May 2018 and acknowledged receipt of the request.
7. On 1 June 2018, Sussex Police requested clarification of the dates the requested information related to.
8. The complainant wrote to Sussex Police on 1 July 2018, providing the following clarification:

*"can I have the following dates:*

*1 Jan 2017 until 30 June 2018."*

9. The complainant requested confirmation that Sussex Police received his clarification on 8 July 2018, and Sussex Police replied to confirm receipt on 9 July 2018.
10. On 5 September 2018 the complainant wrote to Sussex Police for an update on his request.
11. The complainant wrote to Sussex Police again on 16 September 2018 to complain about its handling of the request. A further complaint about the delay was submitted to Sussex Police on 6 October 2018.

## Scope of the case

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12. The complainant contacted the Commissioner on 3 November 2018 to complain about Sussex Police's failure to respond to his information request.

13. On 22 November 2018, the Commissioner wrote to Sussex Police reminding it of its responsibilities and asking it to provide a substantive response to the request within 10 working days.
14. Despite this intervention Sussex Police has failed to respond to the request.

### **Reasons for decision**

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15. 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 this is the case, to have that information communicated to him."*

16. 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."*
17. From the evidence provided to the Commissioner in this case, it is clear that Sussex Police did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Sussex 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 requests in accordance with the FOIA.

## Right of appeal

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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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**