

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

### **Decision notice**

**Date:** 25 May 2023

**Public Authority:** Chief Constable of Northumbria Police  
**Address:** Northumbria Police Headquarters  
Middle Engine Lane  
Wallsend  
Tyne and Wear  
NE28 9NT

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

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1. The complainant requested information relating to complaints made about police officers. By the date of this notice Chief Constable of Northumbria Police ('the Police') had not issued a substantive response to this request.
2. The Commissioner's decision is that the Police has breached section 10(1) of 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 the Police to take the following step to ensure compliance with the legislation.
  - The Police must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The 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 FOIA and may be dealt with as a contempt of court.

## Request and response

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5. On 15 February 2023, the complainant wrote to the Police and requested the following:

"I would like details of official complaints in the following categories, made against serving police officers in the force under your remit in 2018/19, 2019/20, 2020/21, 2021/22 and 2022/23 so far:

Sexual harassment

Rape

Sexual assault

Child sex offences

Other sexual misconduct

Specifically, for each category, I would like you to disclose:

- 1) How many accusations were made against serving police officers
- 2) How many allegations were upheld
- 3) How many of these upheld charges resulted in formal disciplinary action, and what actions they were
- 4) I'm also requesting that you break this down by
  - a) the sex of the accused,
  - b) the seniority of the accused
- 5) Confirm whether the complaint was made by;
  - a) a member of the public
  - b) a police officer / member of police staff

I'm requesting the above in PDF format, separated out by year and to be sent by email."

6. The complainant raised a complaint with the Commissioner about this matter on 24 March 2023. In line with his processes, the Commissioner contacted the Police on 29 March 2023 and requested that it respond.

7. The Police informed the Commissioner that it had no record of receiving the complainant's request of 15 February 2023. Therefore, the Commissioner gave the Police twenty working days from the date of his letter to respond to the request.
8. Despite confirming receipt of the request on 29 March 2023, to date, a substantive response has not been issued.

### **Reasons for decision**

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9. 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."

10. Section 10(1) of 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".
11. Despite the Commissioner's intervention the Police has failed to respond to the complainant.
12. On 3 May 2023 the Police wrote to the complainant and explained that 'We are still researching the information held and considering whether any exemptions under the Act may apply, in particular s30/31.'
13. Section 10(3) of FOIA allows a public authority to extend the 20-working-day limit up to a 'reasonable' time if it needs more time to determine whether or not the balance of the public interest lies in maintaining an exemption. Section 10(3) only permits extensions for further consideration of the public interest, the Police cannot ask for any additional time to determine whether the exemptions themselves are engaged.
14. From the evidence provided to the Commissioner in this case, it is clear that the Police did not deal with the request for information in accordance with FOIA. The Commissioner finds that the 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 FOIA.

## **Right of appeal**

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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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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**

**Alice Gradwell**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**