

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 August 2023

Public Authority: Chief Constable Merseyside Police

Address: Merseyside Police HQ

Canning Place

PO Box 59

Liverpool

Merseyside

L69 1JD

Decision (including any steps ordered)

1. The complainant requested information about certain purchase orders and contracts. By the date of this notice Merseyside Police had not issued a substantive response to this request.
2. The Commissioner's decision is that Merseyside 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. Additionally, the Commissioner considers that Merseyside Police has failed to complete its deliberations on the balance of the public interest within a reasonable time and has therefore breached section 17(3) of FOIA.
4. The Commissioner requires Merseyside Police to take the following step to ensure compliance with the legislation.
 - Merseyside Police must provide a substantive response to the request in accordance with its obligations under FOIA.
5. Merseyside 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

6. On 17 May 2023, the complainant wrote to Merseyside Police and requested information in the following terms:

"Please accept this request under the Freedom of Information Act. I'm seeking invoices, purchase orders, and/or contracts in relation to the following expenditure by Merseyside Police in 2021/22:

Payment date: 5-Aug-21
Supplier: ABM Intelligence Limited
Amount: £40,954.7

Payment date: 2-Dec-21
Supplier: Acume Forensics Ltd Amount: £6,840.00

Payment date: 24-Mar-22
Supplier: Avatu Limited
Amount: £2,406.00

Payment date: 24-Feb-22
Supplier: Axon Public Safety UK Limited
Amount: £274,336.80

Payment date: 26-Apr-21
Supplier: Bluestar Software Ltd
Amount: £307,200.00

Payment date: 24-Mar-22
Supplier: Buddi Limited
Amount: £2,700.00

Payment date: 5-Aug-21
Supplier: CCL Forensics Ltd
Amount: £28,704.00

Payment date: 2-Dec-21
Supplier: Cedar Audio Ltd
Amount: £3,384.00

Payment date: 17-Mar-22
Supplier: Chorus Intelligence Limited
Amount: £85,500.00

Payment date: 25-Nov-21
Supplier: Crowd Technologies Limited

Amount: £25,056.00

Payment date: 3-Feb-22
Supplier: Demux Video Services Ltd
Amount: £9,462.00

Payment date: 24-Jun-21
Supplier: Equifax Ltd Amount: £813.47

Payment date: 1-Jul-21
Supplier: Experian Ltd
Amount: £5,627.30

Payment date: 19-Apr-21
Supplier: Forensic Analytics Ltd
Amount: £8,100.00

Payment date: 26-Apr-21
Supplier: Inta Forensics Ltd
Amount: £45,360.00

Payment date: 30-Sep-21
Supplier: Magnet Forensics
Amount: £5,876.48

Payment date: 9-Sep-21
Supplier: MD5 Ltd
Amount: £600.00

Payment date: 14-Oct-21
Supplier: Micro Systemation Ltd
Amount: £10,782.00

Payment date: 8-Jul-21
Supplier: Nice Systems UK Limited
Amount: £353,894.40

Payment date: 8-Jul-21
Supplier: Niche Technology UK Limited
Amount: £1,085,827.46

Payment date: 10-May-21
Supplier: Recipero Ltd
Amount: £13,033.15"

7. On 26 June 2023, over 20 working days since the date of the request, Merseyside Police notified the complainant that it was considering the public interest in relation to the qualified exemption at section 43(2) of FOIA. To date, a substantive response has not been issued.

Reasons for decision

8. 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.”

9. 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”. This includes notifying a requester if they plan to extend the time for a response to consider the public interest.
10. Section 17(3) of FOIA states that where a public authority is relying on a qualified exemption, it can have a “reasonable” extension of time to consider the public interest in maintaining the exemption or disclosing the information.
11. On 1 August 2023 the Commissioner wrote to Merseyside Police, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.
12. In this case, the total time taken by Merseyside Police has exceeded 40 working days. The Commissioner does not consider there to be any exceptional circumstances and finds that, by failing to complete its deliberations on the public interest within a reasonable time frame, Merseyside Police has not complied with section 17(3).

Right of appeal

13. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

14. 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.
15. 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

Michael Lea
Team Manager
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Wycliffe House
Water Lane
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Cheshire
SK9 5AF