

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

### **Decision notice**

**Date:** 26 January 2024

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

**Address:** Sussex Police Headquarters  
Church Lane  
Lewes East  
Sussex  
BN7 2DZ

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

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1. The complainant requested information from Sussex Police (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority 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 public authority to take the following step to ensure compliance with the legislation.
  - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.<sup>1</sup>
4. The public authority 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.

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<sup>1</sup> The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format;

[Information Commissioner's Office - Advisory note to public authorities | ICO](#)

## Request and response

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5. On 14 September 2023, the complainant wrote to the public authority and requested information in the following terms:

"I am requesting: The number of subject access requests made to Sussex Police, in each month in the years 2020, 2021, 2022, and 2023. The number of full responses to subject access requests made to Sussex Police, in each month in the years 2020, 2021, 2022, and 2023. Evidence that Sussex Police had a backlog of subject access requests in 2020, 2021, 2022, and 2023. The number of warnings or enforcement notices from the Information Commissioner's Office in 2020, 2021, 2022 and 2023, concerning subject access requests.

Can you give me Sussex Police's data retention policy for HARA forms, SCARF forms, and complaints about antisocial behaviour stored on the NICHE database?"

## Reasons for decision

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6. 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."

7. 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".
8. On 9 January 2024 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
9. Despite this intervention the public authority has failed to respond to the complainant.
10. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority

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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11. 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)

12. 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.
13. 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 .....**

**Roger Cawthorne**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**