

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 February 2024

Public Authority: Chief Constable Merseyside Police

Address: Merseyside Police Headquarters
15 Cazneau Street
Liverpool
L3 3AN

Decision (including any steps ordered)

1. The complainant requested information from the Chief Constable Merseyside Police (Merseyside Police). By the date of this notice the 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. 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.
4. 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

5. On 3 July 2023, the complainant wrote to Merseyside Police and requested information in the following terms:

"Can I request copies of the following, pursuant to the Freedom of Information Act 2000:

- a copy of the report and all recorded information sent by you to the IOPC
- a copy of the response from the IOPC to you in relation to the report and this matter, however recorded
- a copy of the minutes of all meetings that have taken place with the officers involved in this matter"

Reasons for decision

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 23 January 2024 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.
9. Despite this intervention Merseyside Police has failed to respond to the complainant.
10. From the evidence provided to the Commissioner in this case, it is clear that Merseyside Police did not deal with the request for information in accordance with FOIA. The Commissioner finds that Merseyside 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

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

Website: 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
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