

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 March 2024

Public Authority: Information Commissioner

Address: Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Decision

1. The Commissioner's decision is that, on the balance of probabilities, the ICO doesn't hold any further information within scope of the complainant's request for information regarding Devon and Cornwall Police and their time arrangements for processing information requests.
2. The ICO has complied with section 1(1)(a) and 10(1) of FOIA and it's not necessary for the ICO to take any corrective steps.
3. This decision notice concerns a complaint made against the Information Commissioner ('the Commissioner'). The Commissioner is both the regulator of FOIA and a public authority subject to FOIA. He's therefore under a duty as regulator to make a formal determination of a complaint made against him as a public authority. It should be noted, however, that the complainant has a right of appeal against the Commissioner's decision, details of which are given at the end of this notice. In this notice the term 'ICO' is used to denote the ICO dealing with the request, and the term 'Commissioner' denotes the ICO dealing with the complaint

Request and response

4. On 16 September 2023, the complainant wrote to the ICO and requested information in the following terms:

"Please provide an update on the time arrangements that have been agreed between the ICO and Devon and Cornwall police for 2022-2023 with regard to processing information requests. Please supply the latest audit report."

5. On 9 October 2023 the ICO responded to the complainant's request. It provided a copy of the most recent audit report (September 2021) and stated that it did not hold information regarding time arrangements as no specific targets had been set for Devon and Cornwall Police.
6. The complainant requested an internal review of that response. That internal review was provided on 6 November 2023. The reviewer confirmed that the most recent audit report had been provided and that the ICO does not hold information in relation to specific time arrangements with Devon and Cornwall Police as none have been agreed.
7. On 20 November 2023 the ICO provided a further response to the complainant as they had stated that the internal review response was not clear. That response stated that the ICO does not have specific time arrangements agreed with Devon and Cornwall Police and explained that time limits for FOIA are those as set out in the legislation. It also explained that it had written to Devon and Cornwall Police requesting its timeliness statistics for 2022/23 and this year thus far, however that correspondence did not set any time arrangements. It also provided the complainant with a link to datasets on its website containing information about complaints it had received about public authorities and data controllers.

Reasons for decision

8. This reasoning covers whether the ICO is correct when it says that it does not hold information within the scope of the request.
9. The complainant considers that the ICO should hold information within the scope of their request regarding time arrangements.
10. The ICO's position is that it does not hold information within the scope of the request other than the audit report which has been provided to the complainant.
11. The ICO has explained that it does not have any specific time arrangements with Devon and Cornwall Police regarding the processing of information requests and that, like any other public authority, it is expected to comply with time limits as set out in the legislation/Codes of Practice.

12. The Commissioner has considered the ICO's position and accepts its reasoning for not holding information within the scope of the request. Therefore, his decision is that, on the balance of probabilities, the ICO does not hold information within the scope of the request regarding specific time arrangements with Devon and Cornwall Police.

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.

Deirdre Collins
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF