

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 March 2024

Public Authority: Chief Constable Sussex Police
Address: Sussex Police Headquarters
Church Lane
Lewes East
Sussex
BN7 2DZ

Decision (including any steps ordered)

1. The complainant requested information from Chief Constable of 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 timeframe 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.
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.

Request and response

5. On 5 February 2024, the complainant wrote to the public authority and requested information in the following terms:

“Please can you provide the following data, over the past five years.

How many police perpetrated domestic abuse Niche occurrences have been recorded? What is the breakdown of non-crimes versus crimes? Please specify the crime types. How many of the occurrences were referred for scrutiny by the Oversight and Scrutiny Panel under Op Pledge? What is the gender split of the perpetrators? What is the gender split of the victims? How many of the victims were police officers? How many of the victims were police staff? Of the occurrences involving officer perpetrators and victims, what are their respective ranks? How many occurrences had a repeat perpetrator? How many occurrences had a repeat victim? How many crime occurrences had a positive outcome? What were the positive outcomes? How many of the occurrences (both crimes and non-crimes) resulted in a misconduct investigation against the perpetrator? How many of the occurrences (both crimes and non-crimes) resulted in a misconduct sanction? What were the sanctions? What was the average length of investigation time for both the criminal matter and the misconduct 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 9 March 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

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.

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