

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 28 January 2020

Public Authority: Chief Constable of Sussex Police
Address: Malling House
Lewes
East Sussex
BN7 2DZ

Section 51

Under section 51 of the Freedom of Information Act 2000 (the "Act"), which is set out below, the Information Commissioner (the "Commissioner") has the power to serve a notice on a public authority requiring it to furnish her with any information she requires to enforce the requirements of the Act.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

she may serve the authority with a notice (in this Act referred to as "an information notice") requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference FS50858734, for a decision whether a request for information made by the complainant to Sussex Police on 6 February 2019, has been dealt with in accordance with the requirements of Part I of the Act.

Nature of complaint

2. On 6 February 2019 the complainant made the following request for information under the FOIA:

"Please provide the following information on the Safeguarding Investigation Unit of Sussex Police.

1) Who has been in overall charge of this unit since it was formed in 2015?

2) When was this individual, or individuals, appointed?

3) Was this post advertised and selection made this way, or how was/were the person/people appointed?

4) What experience of safeguarding did the person/people have prior to holding the post?

5) To whom does the head of The Safeguarding investigation Unit report? Does anyone else have accountability for this unit?

6) Has the Sussex Police and Crime Commissioner been involved with this unit in any way?

7) Provide copies of all communications between the head of this unit and his/her superior, or the Sussex Police and crime Commissioner, since the unit was set up in 2015.

8) What statistics has this unit been required to produce since its inception? Please provide copies of all of these with certain details redacted if necessary".

3. Following the Commissioner's intervention, Sussex Police responded on 11 June 2019. It refused to provide the requested information, citing section 12 (cost of compliance) of the FOIA as its basis for doing so. Specifically, it cited section 12 in respect of parts (7) and (8) of the request. It did, however, provide some information in scope of parts 1-6 of the request in order to assist.
4. On 14 June 2019, the complainant requested an internal review of Sussex Police's handling of parts 1, 2, 3, 4 and 8 of the request. In an attempt to make the request easier to comply with, he no longer requested information within the scope of part (7) of the request and narrowed the scope of part (8).
5. Despite the Commissioner's intervention, Sussex Police failed to provide an internal review response in a timely manner. In the circumstances,

the Commissioner used her discretion to accept the complaint without the internal review having been completed.

6. The Commissioner wrote to Sussex Police on 2 September 2019 asking it to revisit its handling of the request for information, particularly in light of the revised scope of the request. Sussex Police was required to respond by 1 October 2019.
7. In the absence of a response, the Commissioner rang Sussex Police on 16 October 2019 to ask about progress in this case. As Sussex Police was unable to confirm that it had received the Commissioner's correspondence, the Commissioner provided a further copy. She required Sussex Police to confirm receipt of that correspondence and to respond to her by 25 October 2019.
8. Although Sussex Police confirmed receipt on 16 October 2019, it did not respond until 12 November 2019.
9. The Commissioner wrote to Sussex Police on 20 December 2019 seeking clarification of its response. Sussex Police was required to respond by 10 January 2020.
10. Despite assurances from Sussex Police that the matter was receiving attention, no response has been received.

Information required

11. In view of the matters described above the Commissioner hereby gives notice that in the exercise of her powers under section 51 of the Act she requires that Sussex Police shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - a full response to her correspondence of 20 December 2019, a copy of which is attached to this notice.
12. In order to assist, the following correspondence is also attached to this notice:
 - the complainant's request for internal review dated 14 June 2019; and
 - the Commissioner's correspondence dated 2 September 2019.

Failure to comply

13. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.

Right of appeal

14. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504
Fax: 0870 739 5836
Email: grc@Justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

15. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed

Gerrard Tracey
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