

Freedom of Information Act 2000 (Section 48)

Practice Recommendation

Date: 15 October 2020

Public Authority: Chief Constable of North Yorkshire Police
Address: Alverton Court
Crosby Road
Northallerton
North Yorkshire
DL6 1BF

Foreword

1. North Yorkshire Police (NYP) made a self-referral to the Information Commissioner (the Commissioner) regarding the timeliness of its responses to freedom of information requests. On the basis of the information received during the monitoring of NYP's timeliness compliance, the Commissioner has reached the view that NYP's request handling practices do not conform to the [Freedom of Information Code of Practice](#), issued under section 45 of the Freedom of Information Act 2000 (FOIA) by the Cabinet Office in July 2018 (the Code).
2. The Commissioner considers that NYP's practices do not conform with part 4 of the Code relating to time limits for responding to requests.
3. Therefore, in accordance with section 48(1) of FOIA, the Commissioner has elected to issue the foregoing practice recommendation.

Summary

4. The Commissioner has monitored underperforming police forces that have been brought to her attention. Intelligence was captured by requesting performance statistics, action plans to improve performance, and milestones for recovery. Police forces had the opportunity to address the problems identified by formulating and initiating plans to improve their performance.
5. Although significant progress has been made to improve NYP's performance, the Commissioner's analysis of the performance statistics

has led her to issue this practice recommendation to ensure that the trend of improvement continues and NYP achieves satisfactory levels of timeliness.

Nature of non-conformity

6. The Commissioner considers that the practices of NYP in relation to the exercise of its functions under FOIA do not conform to part 4 of the section 45 Code of Practice (the Code).

Part 4 – time limits for responding to requests

7. Section 4.1 of the Code highlights the "*clear*" requirement that public authorities respond to requests for information promptly, and within 20 working days of receipt.
8. On 12 September 2019 NYP self-reported its FOI backlog and low compliance rates to the Commissioner. NYP stated that as at 31 July 2019 they had 795 overdue requests and a 27% in time compliance rate (full compliance statistics detailed in **Annex 1**).
9. NYP said its performance issues were mainly caused by increased volumes of FOIA requests, subject access requests and Family Court Order requests. NYP also submitted an action plan to the Commissioner which included a variety of measures to improve its timeliness performance to satisfactory levels.
10. On 7 October 2020 NYP reported 57 overdue requests and a 54% in time compliance rate (**Annex 1**).

Action recommended

11. NYP should ensure that requests for information are responded to in a timely manner in accordance with section 10(1) of FOIA.
12. NYP should publish its action plan to improve performance and any subsequent updates to the action plan. The action plan should be readily accessible on NYP's website.
13. NYP should publish information access request statistics in accordance with part 8.5 of the Code. The statistics should include the number of information access requests that have not been processed and the number of processed requests where the processing took longer than

the statutory deadline. The statistics should be readily accessible on NYP's website.

14. NYP should use the Commissioner's [FOI self assessment toolkit to improve its timeliness compliance.](#)

Failure to comply

15. A practice recommendation cannot be directly enforced by the Commissioner. However, failure to comply with a practice recommendation may lead to a failure to comply with FOIA, which in turn may result in the issuing of an enforcement notice. Further, a failure to take account of a practice recommendation may lead in some circumstances to an adverse comment in a report to Parliament by the Commissioner under section 49 of FOIA.
16. The Commissioner will have regard to this practice recommendation in her handling of subsequent cases involving NYP.

Signed

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Annex 1

1. The table below shows the performance information that NYP has submitted to the Commissioner.

Month of return	Outstanding	Overdue	Over 6 months	Oldest	In time
Jul-19		795			27%
Nov-19	962	876	571	584 days	27%
Dec-20	807	759	503	624 days	17%
Jan-20	814	706	441	627 days	19%
Feb-20	764	688	487	684 days	31%
Mar-20	610	564	388	470 days	27%
Apr-20	365	309	193	470 days	9%
May-20	214	164	67	489 days	21%
Jun-20	152	105	43	511 days	50%
Jul-20	137	79	34	335 days	52%
Aug-20	128	77	25	355 days	59%
Sep-20	104	57	4	385 days	54%