

## **Freedom of Information Act 2000 (Section 48)**

### **Practice Recommendation**

**Date:** 15 October 2020

**Public Authority:** Chief Constable of Gloucestershire Constabulary  
**Address:** Police HQ  
1 Waterwells Drive  
Quedgeley  
Gloucester  
Gloucestershire  
GL2 2AN

#### **Foreword**

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1. Gloucestershire Constabulary (GC) made a self-referral to the Information Commissioner (Commissioner) regarding the timeliness of its responses to freedom of information requests. On the basis of the information received during the monitoring of GC's timeliness compliance, the Commissioner has reached the view that GC'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 GC'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**

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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 GC'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 GC achieves satisfactory levels of timeliness.

### **Nature of non-conformity**

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6. The Commissioner considers that the practices of GC in relation to the exercise of its functions under FOIA do not conform to part 4 of the Code.

### **Part 4 – time limits for responding to requests**

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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 13 December 2019 GC self-reported its FOI backlog and low compliance rates to the Commissioner. At that time GC did not confirm the volumes of requests involved.
9. On 17 January 2020 GC stated that as at 31 December 2019 it had 859 overdue requests and a 39% in time compliance rate (full compliance statistics detailed in **Annex 1**).
10. GC said its performance issues were mainly caused by the amount of FOI requests received and limited resources to address them. GC also submitted an action plan to the Commissioner which included a variety of measures to improve its timeliness performance to satisfactory levels.
11. On 7 October 2020 GC reported 261 overdue requests and a 32% in time compliance rate (**Annex 1**).

### **Action recommended**

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12. GC should ensure that requests for information are responded to in a timely manner in accordance with section 10(1) of FOIA.
13. GC should publish its action plan to improve performance and any subsequent updates to the action plan. The action plan should be readily accessible on GC's website.

- 14. GC 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 GC's website.
- 15. GC should use the Commissioners [FOI self assessment toolkit to help improve its timeliness compliance.](#)

**Failure to comply**

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- 16. 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.
- 17. The Commissioner will have regard to this practice recommendation in her handling of subsequent cases involving GC.

**Signed .....**

**Laura Tomkinson  
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SK9 5AF**

**Annex 1**

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

| <b>Month of return</b> | <b>Outstanding</b> | <b>Overdue</b> | <b>Over 6 months</b> | <b>Oldest</b> | <b>In time monthly</b> |
|------------------------|--------------------|----------------|----------------------|---------------|------------------------|
| Dec 19                 | 909                | 859            | 541                  | 01/02/2016    | 39%                    |
| Jan 20                 | 773                | 669            | 417                  | 01/02/2016    | 26%                    |
| June 20                | 469                | 415            | 353                  | 01/02/2016    | 52%                    |
| Sept 20                | 308                | 261            | 160                  | 01/02/2016    | 32%                    |