

Chief Constable of Sussex Police
By email: foi@sussex.pnn.police.uk

10 November 2023

Dear FOI Team,

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)**

As you will be aware, the Information Commissioner's Office has a responsibility for enforcing, promoting and improving compliance with the requirements of the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR), as well as the Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation (UK GDPR).

As an ongoing approach, as well as part of our Regulatory Action Policy, the ICO is committed to taking fair, proportionate and timely regulatory action in order to ensure a public authority is engaging in good practice and complying with its obligations under FOIA and the EIR.

I am therefore writing in regard to your current compliance statistics, published by the National Police Chief's Council here: [FOI and Subject Access Request \(npcc.police.uk\)](https://npcc.police.uk)

These figures recording your FOI compliance indicate that from August 2022 to July 2023 there has been a significant fall in your compliance rate.

From the statistical information provided, it is clear that you provided 71% of requestors with a response within the statutory timeframe under FOIA in August 2022. However, by July 2023 this compliance rate had dipped to 27%. Since January 2023 the compliance rate has mostly been under 50%.

Month	Compliance rate of requests
August 2022	71%
September 2022	61%
October 2022	61%
November 2022	59%
December 2022	54%
January 2023	58%
February 2023	45%
March 2023	51%
April 2023	42%
May 2023	43%
June 2023	19%
July 2023	27%

As you are aware, our standard approach upon receipt of a timeliness complaint is to write to the public authority in question and ask them to reply within 10 working days. For the majority of complaints, this informal action is sufficient to secure a response for the requestor and no decision notice is necessary.

As well as the compliance rates shown above, we have served twelve decision notices finding you to have breached statutory timeliness proceedings since November 2022. In 2021 we also issued a practice recommendation concerning FOIA compliance.

We therefore wanted to enquire as to whether you are currently experiencing any compliance issues, as another noticeable decrease in performance has occurred.

Please contact me within 20 working days to acknowledge this correspondence and inform us of whether any current action is being taken to resolve this issue of compliance.

We would also like to know what your current projections are, if available, for this financial year concerning the percentage of requests being responded to within the statutory timeframes? We would ask that you fill out the attached form detailing the rate at which substantive responses are provided to complainants.

Please then send a completed copy of the spreadsheet to us in your next correspondence.

For the avoidance of doubt, please supply us with data for each Quarter for the financial year 2022/23 and Q1 and Q2 in the current financial year 2023/24.

We are seeking this information to assist in our determination as to whether there is a developing compliance issue which requires further intervention from us.

I would also like to take this time to inform you that the ICO has also recently updated our self-assessment toolkits, which you may find useful when considering timeliness compliance. This can be found here: [FOI self-assessment toolkit | ICO](#)

Should you wish to have a conversation about this matter before writing to me, please feel free to contact the number below. I look forward to hearing back from you in a timely manner.

Yours Sincerely

Keeley Christine
Case Officer
keeley.christine@ico.org.uk
0330 313 1735

Sent on behalf of
Michael Lea
Group Manager
Information Commissioner's Office

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To read about our commitment to high standards of customer service see our service standards at www.ico.org.uk/about-the-ico/our-information/our-service-standards/.

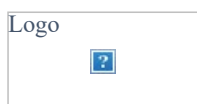
From: [Keeley Christine](#)
To: [FOI](#)
Cc: [Mike Lea-O'Mahoney](#)
Subject: RE: Sussex Police FOIA compliance - action required
Date: 13 November 2023 09:10:23

Dear [REDACTED],

Thank you for your email and for coming back to me so promptly. I appreciate you taking the time to explain the background to the situation and current status, and we will use this to provide context to the statistical information we have requested in our letter, when you return it.

Kind Regards,

Keeley



Keeley Christine
Case Officer – FOI Casework

(My usual working days are Monday, Tuesday and Friday)

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire
SK9 5AF
T. 0330 313 1735 ico.org.uk twitter.com/iconews
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From: FOI <FOI@sussex.police.uk>
Sent: Friday, November 10, 2023 2:27 PM
To: Keeley Christine <Keeley.Christine@ico.org.uk>
Cc: Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>; FOI <FOI@sussex.police.uk>
Subject: RE: Sussex Police FOIA compliance - action required

External: This email originated outside the ICO.
Good afternoon Christine

Thank you for your email below. I believe our Data Protection Officer or Head of Information Management are in regular contact with yourselves about our situation, but I'll summarise below.

Since August 2022, two experienced colleagues from our FOI disclosure team left Sussex Police in quick succession to begin employment elsewhere. This left us in a very difficult situation with just one new member on the team very inexperienced trying to manage as best as they could with minimal training until we could recruit additional resources.

Due to significant staffing shortages across the wider disclosure team, we could not reallocate resources from other workstreams to assist with FOIs. We have kept the ICO up to date on these issues.

Our recruitment process is extremely long-winded so the soonest we could start someone new on the FOI Team was late January 2023. We had assistance from our Data Protection Officer for approximately the first 6 months of this year, but then they also left to go onto pastures new.

Added to the above resourcing crisis, we have seen a significant rise in the number of FOIs being received. The statistics below provide an indication of how many are being received and how many are being processed and disclosed.

	Dec	Jan	Feb	March	Apr	May	Jun	Jul	Aug	Sept	Oct
Incoming	86	151	141	132	129	134	102	105	137	108	143
Outgoing	67	53	50	51	65	49	89	97	147	105	58

We are also experiencing an increase in the number of ICO complaints being received, with a number of those relating to Gatwick Drones. Our Data Protection Officer assists with those as the information being challenged relates to national security so we ensure the highest appropriate person reviews those.

Last month (October) we were down to just 1 resource due to illness and training. However, we are now back up to 2 FOI disclosure officers and have just initiated training a third. I anticipate our output will increase as from next month once the

new person is able to start processing the simpler FOIs. It is also anticipated that in approximately 3 months time we will have a fourth person to train on FOI disclosures after they have completed their basic Sussex Police training and general disclosure training. At this point our resources will have doubled compared to earlier this year, which will also mitigate the situation we find ourselves in.

I am also currently in the process of initiating a backlog management plan (similar to that which we conducted in 2021) which will assist in reducing the number of overdue cases.

I anticipate a swift improvement in the compliance figures

I hope this offers some reassurance,

Kindest regards

[Redacted Signature]

Information Access Manager

Corporate Development Department

Sussex Police | Church Lane | Lewes | BN7 2DZ

From: Keeley Christine <Keeley.Christine@ico.org.uk>

Sent: 10 November 2023 13:02

To: FOI <FOI@sussex.police.uk>

Cc: Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>

Subject: Sussex Police FOIA compliance - action required

CAUTION: This email was sent from outside the organisation. If you suspect it to be phishing, please report it using the '[Report Message](#)' button above. Further guidance can be found in our [Information Security Guidance Hub](#).

Dear FOI Team,

Please see the attached letter concerning FOIA compliance.

Kind regards,

Keeley Christine



Keeley Christine

Case Officer – FOI Casework

(My usual working days are Monday, Tuesday and Friday)

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire
SK9 5AF

T. 0330 313 1735 ico.org.uk twitter.com/iconews

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From: [Collen, Jim CC576](#)
To: [Mike Lea-O'Mahoney](#)
Subject: FW: For Oversight - re ICO Interest
Date: 04 January 2024 14:55:14
Attachments: [image003.png](#)
[Copy of foi-response-rate-calculator 18.12.23 for 2023-24.xlsx](#)
[Copy of foi-response-rate-calculator 18.12.23 for 2022-23.xlsx](#)

External: This email originated outside the ICO.

Dear Mike,

As discussed.

Kind regards,
Jim



Superintendent Jim Collen CC576
Head of Information Management, Corporate Development
Dept
Sussex Police HQ | Church Lane | Lewes | East Sussex | BN7 2DZ
Mobile: [REDACTED]

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FOI/EIR Performance summary

Stated period 2022-2023

Blue cells are calculated for you. You do not need to enter anything in them.

Sussex Police

FOI/EIR Overall performance

FOI / EIR 2022-23

Number of open requests	267
Number of requests that are overdue	267
Number of requests completed within the stated period	923
Number of requests completed within statutory deadline (ie FOI - 20 working days)	520
Percentage completed 'in time'	56.34%

Number of open internal reviews	0
Number of internal reviews that are overdue	0
Number of internal reviews completed within the stated period	21
Number of internal reviews completed within statutory deadline or recommended timescales	9
Percentage completed 'in time'	42.86%

Permitted extension

FOI

Number of requests completed in the stated period within the recommended additional 20 working days to consider the public interest	Unable to calculate
Number of requests that were open after 20 working days, in order to carry out the public interest, at the end of the stated period	Unable to calculate

Permitted extension

EIR

Number of requests completed in the stated period within 40 working days based on the complexity and volume of the information	0
Number of requests that were open after 40 working days, due to the complexity and volume of the request, at the end of the stated period	0

Age profile of overdue request

FOI / EIR

Number of requests open over a month old	267
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FOI/EIR Performance summary

By quarter

FOI/EIR Overall performance

FOI / EIR

Number of requests completed within Q1 (April -June) 2022	276
Number of requests completed within statutory deadline (ie FOI - 20 working days)	133
Percentage completed 'in time'	48.19%
Number of internal reviews completed within Q1 (April -June)	6
Number of internal reviews completed within statutory deadline or recommended timescales	3
Percentage completed 'in time'	50.00%

FOI/EIR Overall performance

FOI / EIR

Number of requests completed within Q2 (July-Sept) 2022	243
Number of requests completed within statutory deadline (ie FOI - 20 working days)	160
Percentage completed 'in time'	65.84%
Number of internal reviews completed within Q2 (July-Sept)	5
Number of internal reviews completed within statutory deadline or recommended timescales	1
Percentage completed 'in time'	20.00%

FOI/EIR Overall performance

FOI / EIR

Number of requests completed within Q3 (Oct - Dec) 2022	249
Number of requests completed within statutory deadline (ie FOI - 20 working days)	148
Percentage completed 'in time'	59.44%
Number of internal reviews completed within Q3 (Oct - Dec)	10
Number of internal reviews completed within statutory deadline or recommended timescales	5
Percentage completed 'in time'	50.00%

Number of requests open over three months old	267
Number of requests open over six months old	267
Number of requests open over nine months old	201
Number of requests open over a year old	33
Oldest open request	07/06/2022

FOI/EIR Overall performance

FOI / EIR

Number of requests completed within Q4 (Jan-March) 2023	155
Number of requests completed within statutory deadline (ie FOI - 20 working days)	79
Percentage completed 'in time'	50.97%
Number of internal reviews completed within Q4 (Jan-March)	0
Number of internal reviews completed within statutory deadline or recommended timescales	0
Percentage completed 'in time'	

FOI/EIR Performance summary

Stated period 2023-2024

Blue cells are calculated for you. You do not need to enter anything in them.

Sussex Police

FOI/EIR Overall performance

FOI / EIR 2023-24

Number of open requests	742
Number of requests that are overdue	659
Number of requests completed within the stated period (includes those closed from the backlog)	835
Number of requests completed within statutory deadline (ie FOI - 20 working days)	241
Percentage completed 'in time'	28.86%

Number of open internal reviews	1
Number of internal reviews that are overdue	1
Number of internal reviews completed within the stated period	15
Number of internal reviews completed within statutory deadline or recommended timescales	4
Percentage completed 'in time'	26.67%

Permitted extension

FOI

Number of requests completed in the stated period within the recommended additional 20 working days to consider the public interest	Unable to calculate
Number of requests that were open after 20 working days, in order to carry out the public interest, at the end of the stated period	Unable to calculate

Permitted extension

EIR

Number of requests completed in the stated period within 40 working days based on the complexity and volume of the information	0
Number of requests that were open after 40 working days, due to the complexity and volume of the request, at the end of the stated period	0

Age profile of overdue request

FOI / EIR

Number of requests open over a month old	427
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FOI/EIR Performance summary

By quarter

FOI/EIR Overall performance

FOI / EIR

Number of requests completed within Q1 (April -June) 2023	203
Number of requests completed within statutory deadline (ie FOI - 20 working days)	66
Percentage completed 'in time'	32.51%
Number of internal reviews completed within Q1 (April -June)	6
Number of internal reviews completed within statutory deadline or recommended timescales	2
Percentage completed 'in time'	33.33%

FOI/EIR Overall performance

FOI / EIR

Number of requests completed within Q2 (July-Sept) 2023	349
Number of requests completed within statutory deadline (ie FOI - 20 working days)	84
Percentage completed 'in time'	24.07%
Number of internal reviews completed within Q2 (July-Sept)	9
Number of internal reviews completed within statutory deadline or recommended timescales	2
Percentage completed 'in time'	22.22%

FOI/EIR Overall performance

FOI / EIR

Number of requests completed within Q3 (Oct - 18th Dec) 2023	283
Number of requests completed within statutory deadline (ie FOI - 20 working days)	91
Percentage completed 'in time'	32.16%
Number of internal reviews completed within Q3 (Oct - Dec)	0
Number of internal reviews completed within statutory deadline or recommended timescales	0
Percentage completed 'in time'	

Number of requests open over three months old	267
Number of requests open over six months old	75
Number of requests open over nine months old	0
Number of requests open over a year old	0
Oldest open request	03/04/2023

FOI/EIR Overall performance

FOI / EIR

Number of requests completed within Q4 (Jan-March) 2024	
Number of requests completed within statutory deadline (ie FOI - 20 working days)	
Percentage completed 'in time'	
Number of internal reviews completed within Q4 (Jan-March)	
Number of internal reviews completed within statutory deadline or recommended timescales	
Percentage completed 'in time'	

From: [Collen, Jim CC576](#)
To: [Mike Lea-O'Mahoney](#)
Subject: Sussex FOI Plan
Date: 18 January 2024 13:45:04
Attachments: [image001.png](#)
[FOI Action Plan Jan 2024.docx](#)

External: This email originated outside the ICO.

Dear Mike,

Further to our recent conversation, I attach a copy of our FOI action plan which has now been approved by chief officers.

For further context, I wanted to update with some additional information not in the action plan.

- We have invested in outsourcing some work for a month to assist in clearing some of the more complex cases from the backlog.
- Whilst we will assign 4 dedicated members of staff to work on FOIs under our team restructure plan, in the interim we have shuffled the existing team to increase FOI capability.
- Our backlog reached a high point of 883 in Oct 23 but fell in both Nov and Dec following the addition of extra staff and the return of another from a training course. Therefore, even without the additional measures above and in the plan, a positive direction of travel is starting to be established.

As discussed, I will provide another end-on-month figure for January.

Thank you for your support with this work. Please let me know if there is anything you wish to discuss.

Kind regards,

Jim



Superintendent Jim Collen CC576
Head of Information Management, Corporate Development
Dept

Sussex Police HQ | Church Lane | Lewes | East Sussex | BN7 2DZ
Mobile: [REDACTED]

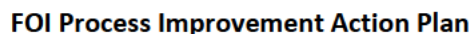
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Not Protectively Marked

	These data will be included in the regular reports to the SIMB and ORB.	contextualise the figures (e.g. increase in demand).			
1.2	Publication of FOI performance and compliance rates on force website.	Transparency and accountability with regard to force performance.		Feb 24	
1.3	Update force risk in relation to Information Access resourcing, resilience, and compliance. STRSX4275 - Inability to meet demand for information disclosures in the Information Access Team	To ensure appropriate mitigations to the risk are in place and adequate oversight is provided.	Supt Collen, Head of IM	Next update due 20/01/24	Dec 23 update completed.
1.4	Liaise with ICO to outline challenges and planned actions and ascertain what advice and guidance is available from the ICO to assist.	To ensure compliance and transparency and to minimise the risk of formal enforcement action.	Jim Collen	05/01/24	Discussion between ICO & JC 4/1. ICO have been briefed and this action plan discussed. They are supportive of planned actions and will look to appoint a caseworker for closer ongoing support. All forces have recently supplied performance data to the ICO and there is scrutiny in this sector; Sussex's performance is of concern but other forces have difficulties.
1.5	Assess what lessons can be learned from ICO and other public reports on other police forces, including:	To ensure the force minimises and	Jim Collen, [REDACTED]	05/01/24	Reports have been reviewed by [REDACTED]

Not Protectively Marked

	<ul style="list-style-type: none"> - GMP Enforcement Notice - PNSI FOI Breach Inquiry 	mitigates risk of FOI-related			██████████ & ██████████ and by Sara Naylor, Head of CDD. Entered on Force risk register with appropriate assurances and mitigations. Report to be submitted to ORB Feb 24.
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2. Process Improvement					
Action no.	Actions	Issue/Purpose	Owner	Timescale	Progress Update
2.1	Restructure Information Access Team, creating a trained SME/supervisory role to support FOI caseworkers and designate a suitable number of caseworkers to specialise in FOI.	Due to high staff turnover, the understanding of law and procedure needs to be developed and the FOI team need to be empowered to make robust, lawful and ethical decisions on disclosures and exemptions with less reliance on managers or the DPO.	Jim Collen	Apr 24	<p>4/1- Group consultation complete, 1:1 phase commenced. Revised SME JD produced and adverts for new posts to be issued by 5/1. Go-live scheduled for end of April 24.</p> <p>5/1- Job adverts now live on Talentlink.</p>
2.2	Provide specific training on the application of exemptions to all caseworkers assigned to FOIs and to Head of Information Management.	Due to high staff turnover, the	██████████	Feb 24	Suitable training identified and funding

		understanding of law and procedure needs to be developed and the FOI team need to be empowered to make robust, lawful and ethical decisions on disclosures and exemptions with less reliance on managers or the DPO.			allocated by Head of CDD. Training scheduled for mid-Feb.
2.3	<p>Full 'internal' FOI process map to be produced, reflecting the ICO model, using Code and Self-Assessment Tool.</p> <ul style="list-style-type: none"> • Process to be reviewed and agreed with clarity of ownership at each stage (within the FOI team as well as within the wider Force) and agreed deadlines for turnaround. Paper to set out who does what at each stage (FOI team, department, corporate communications). • Flow chart with decision points relating to delays – with agreed escalation points for complaints, information and decision notices and handling of internal reviews. Identified ranks/posts for handling. • Clear rules to be established around clarification of requests and how these are communicated to the requestor, and guidance produced for IA decision makers. • Compliance with the process to be monitored and included in reporting, as per 1.1 above. 	To provide a clear SLA, and timeline between divisions/departments and the FOI team providing clarity around process and responsibilities in dealing with FOIs. This will aid the timely provision of responses and improve the quality of responses.	Jim Collen, [REDACTED]	Jan 24	4/1- Follow up action from 2021 action plan. Although these processes were reviewed then, this needs further review following personnel changes to ensure consistency of application.

2.4	<p>Review FOI Team process for monitoring and logging complaints and internal reviews, handling Decision and Information Notices, including internal timelines, protocols and filing of associated correspondence.</p> <p>Head of IM and IAM to have fortnightly meetings to review progression of complaints and IRs.</p>	To provide clear audit trail of complaints and correspondence with complainants and regulator, along with clarity and accountability for delivery.	██████████	Feb 24	
2.5	Refresh internal communications/response asking divisions / departments on expectations for information to provide clear information on date for return, format and style of response.	To ensure that FOI responses are compliant and easily understood by requestors.	Jim Collen	Jan 24	4/1- Input delivered to senior leaders at regular DCC meeting Dec 23. Further written comms to be sent.
2.6	<p>Research and create an improved directory of readily available material commonly relevant to FOI requests.</p> <p>Using this data, increase use of s21 exemption – information already readily accessible & consider a template letter for this purpose.</p>	There is a wide range of publicly available data relating to policing, crime and disorder both locally (e.g. Safer Roads Partnership) and nationally (e.g. ONS). By making the team's understanding of this data better, demand could be reduced by signposting rather than collating full responses within the organisation.	Jim Collen, ██████████, Supt ██████████, Richard Bates	Feb 24	

2.7	Review and improve Publication Scheme to determine whether more information could be provided related to subject matter most commonly requested.	<p>This will not only assist with managing demand but is included in ICO guidance.</p> <p>A review of what is available/ appropriate for proactive publication will be required but could include FOI FAQs such as:</p> <ul style="list-style-type: none"> - PSD data (statistics in addition to misconduct outcomes) - Staffing/ establishment data 	██████████	Mar 24	
2.8	Clarify and articulate the force position on returning to requestors to inform them of delays, and to check whether requests are still relevant. Provide templates for consistency of communication with those requestors and process for tracking responses.	<p>As many FOI requests are time-sensitive and made for specific purposes such as journalistic research or academic papers, some are rendered irrelevant over time.</p> <p>Not actioning the older portion of the backlog would create extra capacity to</p>	Jim Collen, ██████████	Mar 24	<p>4/1- FOI Day of Action held 20/11/23 to assess and identify quick wins in backlogs, with whole CDD SMT contributing. This has resulted in the 2022 backlog reducing to around 50.</p> <p>JC has spoken with ICO SPOC who advises there is no legislative</p>

		<p>manage more current demand.</p> <p>This exercise was performed before in 2021 with some success and the process plans have been retained.</p>			<p>or ethical problem with taking a pragmatic approach to historic demand and asking applications a 'short, sharp question' as to the continued relevance of their request. Other public bodies have taken a similar approach.</p> <p>15/01- Backlog review has now commenced in liaison with Media Dept.</p>
2.9	<p>Establish regular meetings with Head of IM, IAM and caseworkers to identify and deal expeditiously with 'quick wins' and to assess complex/protracted cases to develop plans of action.</p>	<p>Timeliness of IR responses is poor when expressed as a % for compliance. The GMP practice notice clearly shows that this will be an issue of concern for the ICO.</p>	Jim Collen	Jan 24	
2.10	<p>Proactively develop and publish 'Super Responses' for commonly asked questions. These may include (for illustration only, not a target list):</p> <ul style="list-style-type: none"> - Dog offences - Sussex Police fleet - Sussex Police staffing - Misconduct 	<p>This links to the development of the Publication Scheme.</p> <p>It is known that there is a number of</p>	<p>Jim Collen, [REDACTED]</p>	Apr 24	

	<ul style="list-style-type: none"> - Speed camera enforcement - E-bikes and scooters - Spiking - Weapons 	frequently occurring topics in the FOI backlog and assessing these for specific content and producing a super response will have a impact on backlogs. E.g. we currently have 29 applications regarding speed cameras and 17 about e-bikes.			
2.10	Compile and review previous DPO-authored rationales for exemptions and complex response to create a 'library'		Jim Collen	Feb 24	4/1- We have retained responses from former FOI officers and the current DPO, giving some years worth of 'model replies' to review and collate.

3.Service Recovery and Improvement					
Action no.	Actions	Issue/Purpose	Owner	Timescale	Progress Update
3.1	Update style and content of response letters and templates: <ul style="list-style-type: none"> • All letter templates to be reviewed to check for simplicity, clarity of explanation and conformity to Code of Practice with relevant advice and to minimise dissatisfaction and complaint. • Examples of good and bad practice provided for departments and divisions. 	To improve service to the public and ensure that requestors are kept informed about the progress of their request.	Jim Collen, [REDACTED]	Feb 24	

	<ul style="list-style-type: none"> Additional communication drafted to go out for any request which is reaching 20 day deadline to inform of stage in process. 				
3.2	Liaison with DDaT regarding the activation of automated messaging to applicants within Cyc Freedom.	<p>Where responses are delayed, it is important to nonetheless keep applicants informed and this is the expectation of the regulator.</p> <p>Cyc Freedom can perform this automated function for which we do not have the admin capacity to perform manually. Surrey have the same version of the software and have this function enabled so it is unclear why Sussex have been previously advised this is not possible.</p>	Jim Collen	Jan 24	
3.3	<p>Review of all outstanding FOIs and any outstanding complaints or correspondence – including risk assessment r.e further delays in response, and recovery ability.</p> <p>Plan and dedicated resource to be put in place to work down the backlog at the same time as progressing incoming FOIs. CDD to continue with periodic 'Days of Action' to support the IAT.</p>	<p>To ensure that no correspondence has been missed.</p> <p>To respond as effectively as possible to any FOIs that are now out of date.</p>	Jim Collen, [REDACTED]	April 24	10/01- Underway - specific resources from the performance team and governance team have been provided for the month of January to make progress on the backlog. Reviews will continue addressing oldest first.

	Over-time to be offered to team and where possible negotiated with collaboration partner to provide additional capacity by tackling other demand managed by the same team.				
3.4	Regular meetings established between the Head of Information Management and equivalent at the Office of the Police and Crime Commissioner with the intention of providing early sight on issues raised in relation to FOIs, performance and managing complaints.	<p>To anticipate and address any complaints or cause for concern around service delivery, and ensure transparency of approach.</p> <p>This process was established under the 2021 action plan but has not continued.</p>	Jim Collen, [REDACTED] (OSPCC)	Jan 24	

From: [Collen, Jim CC576](#)
To: [Mike Lea-O'Mahoney](#)
Subject: Sussex FOI Plan
Date: 08 February 2024 08:13:15
Attachments: [image004.png](#)
Importance: High

External: This email originated outside the ICO.
Dear Mike,

Revised figures as requested.

Age profile of overdue request	FOI / EIR
Number of requests open over a month old	737
Number of requests open over three months old	753
Number of requests open over six months old	389
Number of requests open over nine months old	188
Number of requests open over a year old	24
Oldest open request	Due 2/1/2023

As you will see, whilst I don't underestimate the backlog remains large, the direction of travel is established in the right direction.
To clarify, we are approaching FOI from 'both ends' i.e neglecting neither the backlog nor new requests. We have caseworkers focussed on new demand and have separate workstreams for the backlog.

Kind regards,
Jim



Superintendent Jim Collen CC576
Head of Information Management, Corporate Development Dept
Sussex Police HQ | Church Lane | Lewes | East Sussex | BN7 2DZ
Mobile: [REDACTED]

From: Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>
Sent: Thursday, February 1, 2024 7:59 AM
To: Collen, Jim CC576 <James.Collen@sussex.police.uk>
Subject: RE: Sussex FOI Plan

CAUTION: This email was sent from outside the organisation. If you suspect it to be phishing, please report it using the **'Report Message'** button above. Further guidance can be found in our [Information Security Guidance Hub](#).

Good morning Jim,

As I advised earlier this month when we spoke, our Monitoring & Enforcement group would be considering the performance of Sussex Police.

I can now confirm that the Commissioner will be issuing an Enforcement Notice to Sussex Police.

This is likely to be served within 2-3 weeks, so we are giving you advance notice to prepare any lines to take and so on.

I note that you have already started to see a small reduction in the backlog and this is very welcome. In the interests of accuracy, please could you send me an up-to-date breakdown of the overall backlog by next Friday?

Age profile of overdue request	FOI / EIR
Number of requests open over a month old	
Number of requests open over three months old	
Number of requests open over six months old	
Number of requests open over nine months old	
Number of requests open over a year old	
Oldest open request	

Sincere thanks for your engagement so far and we look forward to receiving the above data.

Michael Lea-O'Mahoney

Group Manager – FOI Casework

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 313 1641 ico.org.uk twitter.com/iconews
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From: Collen, Jim CC576 <James.Collen@sussex.police.uk>
Sent: Thursday, January 18, 2024 1:44 PM
To: Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>
Subject: Sussex FOI Plan

External: This email originated outside the ICO.
Dear Mike,

Further to our recent conversation, I attach a copy of our FOI action plan which has now been approved by chief officers.

For further context, I wanted to update with some additional information not in the action plan.

- We have invested in outsourcing some work for a month to assist in clearing some of the more complex cases from the backlog.
- Whilst we will assign 4 dedicated members of staff to work on FOIs under our team restructure plan, in the interim we have shuffled the existing team to increase FOI capability.
- Our backlog reached a high point of 883 in Oct 23 but fell in both Nov and Dec following the addition of extra staff and the return of another from a training course. Therefore, even without the additional measures above and in the plan, a positive direction of travel is starting to be established.

As discussed, I will provide another end-on-month figure for January.

Thank you for your support with this work. Please let me know if there is anything you wish to discuss.

Kind regards,
Jim



Superintendent Jim Collen CC576
Head of Information Management, Corporate Development
Dept
Sussex Police HQ | Church Lane | Lewes | East Sussex | BN7 2DZ
Mobile: [REDACTED]

You can report crime and incidents online at

<https://www.sussex.police.uk/report-online>

We want to know your views - see what's new and give us your feedback and suggestions at
www.sussex.police.uk

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From: [Keeley Christine](#)
To: foi@sussex.police.uk
Cc: James.Collen@sussex.police.uk; [Mike Lea-O'Mahoney](#)
Subject: SERVICE OF ENFORCEMENT NOTICE
Date: 14 February 2024 12:15:44
Attachments: [ENF0988353 Final.pdf](#)

Dear Sir/Madam,

As previously discussed, please find attached an enforcement notice for the Chief Constable of Sussex Police. You will not receive a paper copy of this notice.

If you disagree with the enforcement notice you have the right to appeal to the First-tier Tribunal (Information Rights). Details of how to appeal are contained on page 10 the enforcement notice.

Please note, this notice will not be published on our website until later next week. This gives you time to prepare any appropriate communications at your end.

In addition to the steps set out in the Notice, we also require monthly updates on your compliance stats. Please use the format highlighted in the Notice. We are happy for you to pick an appropriate date, but you should report on the same date each month.

If you have any queries or concerns, please don't hesitate to get in touch.

Yours sincerely,

Keeley Christine



Keeley Christine

Senior Case Officer – FOI Casework

(My usual working days are Monday - Thursday)

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

T. 0330 313 1735 ico.org.uk twitter.com/iconews

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**FREEDOM OF INFORMATION ACT 2000 (SECTION 52)
ENFORCEMENT POWERS OF THE INFORMATION COMMISSIONER
ENFORCEMENT NOTICE**

DATED: 14 February 2024

To: Chief Constable of Sussex Police

**Of: Sussex Police Headquarters
Church Lane
Lewes East
Sussex
BN7 2DZ**

1. The Chief Constable of Sussex Police ("Sussex Police") is a "public authority" listed in Schedule 1 and defined by [section 3(1)(a)(i)] of the Freedom of Information Act 2000 ("FOIA"). FOIA provides public access to information held by public authorities.
2. Sussex Police's obligations as a public authority under FOIA include –
 - a. Being obliged to publish certain information about its activities;
 - b. Responding to requests for information from members of the public.
3. The Information Commissioner (the "**Commissioner**") hereby issues Sussex Police with an Enforcement Notice (the "**Notice**") under section 52 FOIA. The Notice is in relation to Sussex Police's:
 - a. Continuing non-compliance with section 1(1) FOIA; and
 - b. Continuing breach of section 10(1) FOIA.

4. This Notice explains the Commissioner's decision to take enforcement action. The specific steps that Sussex Police is required to take are set out in **Annex 1**.

Legal Framework for this Notice

5. A person requesting information from a public authority has a right, subject to exemptions, to be informed by the public authority in writing whether it holds the information, and to have that communicated to him, if the public authority holds it. This is set out in section 1(1) FOIA–

“(1) 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.”

6. Section 10(1) FOIA specifies that public authorities must respond to requests within 20 working days:

“... a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following receipt.”

7. There is provision under FOIA for a public authority to claim a reasonable extension to this limit in certain circumstances but in all cases, the public authority must give the requestor a written response within the standard time limit for compliance.

8. The Commissioner has various powers under FOIA. One of these is the issuing of an Enforcement Notice. Section 52(1) of FOIA states –

“If the Commissioner is satisfied that a public authority has failed to comply with any of the requirements of Part I, the Commissioner may serve the authority with a notice (in this Act referred to as an “enforcement notice”) requiring the authority to take within such time as may be specified in the notice, such steps as may be so specified for complying with those requirements.”

9. Section 52 FOIA has effect subject to section 53 FOIA, which provides details of the exceptions from the duty to comply with a decision notice or enforcement notice.

Background

10. In 2021, the Commissioner’s routine monitoring revealed that, since 2019, he had received a disproportionately high number of section 50 FOIA complaints about Sussex Police for the size of the force. A high proportion of these complaints resulted in decision notices recording a breach of section 10 of FOIA for non-response to a request. In addition to the high number of timeliness complaints, the Commissioner saw a pattern of Sussex Police failing to complete internal reviews, including when instructed to do so by the Commissioner on receipt of the associated complaint. The Commissioner was also concerned with the limited detail contained in responses to requesters, and in the quality of the responses he received to his substantive investigation letters.
11. On 8 July 2021, the Commissioner issued a [Practice Recommendation](#) to Sussex Police. He noted that Sussex Police’s request-handling practices did not conform with part 4 of the FOIA Code of Practice.

12. Practice Recommendations are not directly enforceable, but the Commissioner made clear that if Sussex Police did not take action to address the issues identified, it was likely that it was not complying with FOIA and that further action may be needed subject to the evidence at that point.
13. Although improvement has been made in some areas following the Practice Recommendation, recent data provided by Sussex Police indicates that its timeliness has actually declined in respect of new requests. Statistics from the most recent completed quarter (October to December 2023) show that Sussex Police responded to only 32% of requests within the statutory timeframe. For the previous quarter (July to September 2023) it only responded to 22% of requests within the statutory timeframe. Since the start of 2022 it has not been able to achieve more than 66% for timeliness compliance.
14. For 2023-24 to date, Sussex Police has only completed 27% of internal reviews within 40 working days. In the 2022-23 reporting period, it completed 43% of internal reviews within 40 working days.
15. In addition to this poor performance in relation to new requests it is receiving, at the time of reporting, Sussex Police also has a backlog of 753 older requests that it has yet to respond to. Of these overdue requests, 737 requests are over three months old and 389 are over six months old. 24 requests are over a year old.

The Contravention and Reasons for this Notice

16. FOIA requires a public authority to inform people whether it holds information they have requested and to communicate it to them within 20 working days of receipt of their request.

17. Sussex Police has explained that, in October 2022 it lost two experienced members of staff from its FOI Team. Since then it has struggled with delays in its recruitment process, staff illness, training and an increase in the volume of requests being received. It has advised that it now has new staff in place as well as temporary support to clear older and more complex cases.
18. The Commissioner recognises that staff recruitment and retention is an issue across the public sector, but is particularly acute amongst police forces as new recruits must also gain a security clearance – elongating the recruitment process. That being said, responding to requests for information is a statutory duty. It is imperative that Sussex Police recognises the importance of responding to requests in a timely fashion and the legal implications of failing to do so. It is important that it has proper plans in place to reach, and then maintain, high levels of compliance with FOIA.
19. Sussex Police has tried to assure the Commissioner that it has an action plan in place to improve its FOI processes and that senior leaders recognise the progress that needs to be made. The Commissioner welcomes the engagement he has had recently from Sussex Police.
20. Whilst the Commissioner recognises that a plan has been drawn up and contains measurable actions to improve FOI performance in the longer term, the plan has scope to include more practical steps with clear deadlines to reduce the backlog and improve the timeliness of current request handling.
21. Responding to requests for information is a statutory duty. It is imperative that Sussex Police recognises the importance of clearing its

backlog and the legal implications of failing to do so. Imposing a legally enforceable deadline makes clear the priority that the Commissioner considers this task should be given. He has taken into account the scale of the backlog and the timing of this notice when setting the timeframe by which he expects compliance.

22. Taking into account the significant volume of unanswered FOI requests, their age profile including many requests subject to considerable delay, and the need for significant and sustained improvement in timely FOI responses, the Commissioner considers it a proportionate regulatory step to issue an Enforcement Notice requiring Sussex Police to comply with section 1(1) of FOIA in respect of all of its outstanding requests. It is essential that the improvements described in **Annex 1** are implemented which compliance with this Notice will support.

23. The Commissioner also considers it a proportionate regulatory step to require Sussex Police to devise and publish an action plan, which formalises measures to mitigate delays. This action plan should be supported by a 'lessons learned' exercise, which examines the root cause of delays in request handling, from allocation through to clearance at different stages, with mitigations for any recurring problems addressed specifically in the plan.

Other Matters

24. The Commissioner cannot consider the amount of time it took a public authority to complete an internal review in an enforcement notice because such matters are not a formal requirement of the FOIA. Rather they are matters of good practice which are addressed in the Code of Practice issued under section 45 of the FOIA.

25. Sections 5.4 and 5.5 of the Code set out that a reasonable time for the completion of an internal review is 20 working days following the receipt of the request for review, and that, usually, no more than 40 working days will be required.
26. The Commissioner is satisfied that Sussex Police failed to conform with the Code and recommended best practice in relation to the reviews it has failed to complete within 40 working days.
27. He recommends that Sussex Police should ensure that internal review requests are responded to in a timely manner. He is therefore also recommending in line with his powers under section 48(1) of FOIA that the action plan he has required under this Notice also captures the activity Sussex Police will take to bring its handling of internal reviews in line with the section 45 Code of Practice. He recommends the root cause analysis of first instance requests that is required as part of the Notice is extended to also cover the internal review cases currently delayed.
28. The Commissioner considers that Sussex Police may benefit from using his [self-assessment toolkit](#) which is designed to help public authorities assess their current FOI performance and provide indicators of where efforts should be focused in order to improve. Topic 1 is particularly relevant as it deals with timeliness.
29. The Commissioner notes that Sussex Police still does not publish timeliness statistics. The Commissioner cannot require this as part of an enforcement notice under FOIA, but reiterates that Sussex Police should do this in line with the section 45 Code of Practice. He would also recommend that Sussex Police publishes, on a monthly basis, its

progress in clearing its FOIA backlog in line with the updates it gives the Commissioner about its compliance with this notice.

30. The Commissioner would draw Sussex Police's attention to his recent guidance on [publishing FOI compliance data](#) and recommends this approach is taken.

Terms of this Notice

31. The Commissioner therefore exercises his powers under section 52 of FOIA to serve an Enforcement Notice requiring Sussex Police to take specified steps to comply with FOIA. The specified steps are set out in **Annex 1** of this Notice.

32. The consequence of failing to comply with an Enforcement Notice is that the Commissioner may make written certification of this fact to the High Court pursuant to section 54 of FOIA. Upon consideration and inquiry by the High Court, Sussex Police may be dealt with as if it had committed a contempt of court.

Right of Appeal

33. By virtue of section 57 of FOIA there is a right of appeal against this Notice to the First-tier Tribunal (Information Rights). If an appeal is brought against this Notice, it need not be complied with pending determination or withdrawal of that appeal.

34. Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,

Reference: ENF0988353

PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 9368963

Email: GRC@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

35. Any Notice of Appeal should be served on the Tribunal within 28
(calendar) days of the date on which this Enforcement Notice is sent.

**Warren Seddon
Director - FOI & Transparency
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**

Annex 1

TERMS OF THE ENFORCEMENT NOTICE

THIS NOTICE REQUIRES SUSSEX POLICE TO TAKE THE FOLLOWING STEPS BY THE DATES SPECIFIED BELOW::

By 31 August 2024, Sussex Police shall:

(i) in respect of each information request where the response is outside of 20 working days as at the date of this notice, and where a permitted extension has not been applied, comply with section 1(1)(a) of FOIA and, if information of the description specified in the request is held, either:

(ii) communicate that information pursuant to section 1(1)(b) FOIA; or issue a valid refusal notice under section 17 FOIA, unless section 17(6) FOIA applies.

Within 35 calendar days of this notice, Sussex Police shall:

(iii) devise and publish an action plan formalising the measures it will take to ensure it complies with its legal duties under Part 1 of FOIA to respond to information requests in a timely fashion, while also clearing its backlog of late requests by 31 August 2024 as required by this notice.

From: Collen, Jim CC576
To: Keeley Christine
Cc: Mike Lea-O'Mahoney
Subject: RE: SERVICE OF ENFORCEMENT NOTICE
Date: 20 February 2024 11:24:16
Attachments: image002.png
Importance: High

External: This email originated outside the ICO.
Dear Keeley,

I acknowledge receipt of this enforcement notice, the content of which has been briefed to our chief officers. As you know, Sussex Police is already acutely aware of the issues outlined and is already taking steps to address these in the action plan we have already shared via Mike. I understand that you wish to see more structure added and to be more specific about timescales and I will ensure that the plan is appropriately revised and published within the required timescales.

Sussex Police has no plans to appeal and we are very much focussed on making the required improvements. However, having consulted with chief officers, there were two points I was hoping to raise with you outside of that formal appeal framework and I would be very grateful for your thoughts on these, please.

Firstly, as regards timescales. We recognise that the obligations under ss1 & 10 are serious and statutory and that the Commissioner can require us to address our backlog as a matter of urgency. The Notice states that the scale of the backlog and timing of the notice have been taken into consideration and that is understood. We would however ask why the deadline has been set at 6 months and whether there is any scope for flexibility in this regard. We are in particular mindful that GMP were given 9 months to clear a similar backlog.

Secondly with regard to the timeliness of internal reviews, we recognise that performance has been poor. However, this is something that had already been noted and addressed and is in our existing action plan (at Action 2.4, reproduced below). Further, whilst the data used to inform the review was certainly poor, at the time of writing we have no internal reviews outstanding. Is there any scope to include this progress in the narrative?

2.4	Review FOI Team process for monitoring and logging complaints and internal reviews, handling Decision and Information Notices, including internal timelines, protocols and filing of associated correspondence. Head of IM and IAM to have fortnightly meetings to review progression of complaints and IRs.	To provide clear audit trail of complaints and correspondence with complainants and regulator, along with clarity and accountability for delivery.		Feb 24	01/02- IG have now taken responsibility for logging Decision and Information Notices. Head of IM has engaged with the ICO and offered them advice on where to direct their correspondence to ensure it receives management attention and a prompt response. Review cycle set up.
-----	---	--	--	--------	--

Please do give me a call to discuss any of this if you feel that would be helpful.

Kind regards,
Jim



Superintendent Jim Collen CC576
Head of Information Management, Corporate Development
Dept
Sussex Police HQ | Church Lane | Lewes | East Sussex | BN7 2DZ
Mobile: [REDACTED]

From: Keeley Christine <Keeley.Christine@ico.org.uk>
Sent: Wednesday, February 14, 2024 12:15 PM
To: FOI <FOI@sussex.police.uk>
Cc: Collen, Jim CC576 <James.Collen@sussex.police.uk>; Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>
Subject: SERVICE OF ENFORCEMENT NOTICE

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If you have any queries or concerns, please don't hesitate to get in touch.

Yours sincerely,

Keeley Christine



Keeley Christine
Senior Case Officer – FOI Casework

(My usual working days are Monday - Thursday)

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 313 1735 ico.org.uk twitter.com/iconews
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From: [Collen, Jim CC576](#)
To: [Mike Lea-O"Mahoney](#)
Cc: [Naylor, Sara 33067](#)
Subject: FOI Action Plan
Date: 19 March 2024 16:58:25
Attachments: [image001.png](#)
[FOI Action Plan Jan 2024.docx](#)

External: This email originated outside the ICO.

Dear Mike,

You will recall that the Enforcement Notice to Sussex Police required us to publish our action plan and further advised that the plan should be revised to incorporate defined performance targets.

The attached version incorporates these changes and offers recent updates and has also now been published on the Force website.

Kind regards,
Jim



Superintendent Jim Collen CC576
Head of Information Management, Corporate Development
Dept

Sussex Police HQ | Church Lane | Lewes | East Sussex | BN7 2DZ

Mobile: [REDACTED]

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FOI Improvement Action Plan

Governance & Assurance					
Action no.	Actions	Issue /Purpose	Owner	Timescale	Progress Update
1.1	<p>Quarterly performance statistics (collated for the NPCC) to be shared with Head of CDD in addition to existing monthly summary. To include:</p> <ul style="list-style-type: none"> No FOIs received No of overdue FOIs FOI compliance rate (as per ICO guidance) Total overdue FOIs/FOI backlog (by calendar year & total) Timescales for completion of Internal Reviews No complaints (received and resolved) Any Information or Decision Notices received Oldest outstanding application (with reasons for why outstanding inc subject matter). <p>In addition, Head of IM will be given:</p> <ul style="list-style-type: none"> Details of any department with 2 or more FOIs outstanding within any given month. Contextual information to explain or mitigate delays/ non-compliance. 	<p>Performance data on FOI compliance is not easily available. A single set of metrics should be available on a regular basis for transparency and to inform performance management actions.</p> <p>Where data reflects ICO metrics, this also needs to be supplemented with additional background information to</p>	<p>[REDACTED], Information Access Manager.</p>	<p>First report to be produced end of Jan'24.</p>	<p>01/02- Information Governance are now assisting IAM with recording and tracking DMs. Monthly compliance data has been added to the standard monthly reporting template. First full quarterly report will be delayed by one week due to IAM on leave but these KPIs are being embedded.</p> <p>07/02- First full report delayed by one week due to planned leave</p>

Not Protectively Marked

	These data will be included in the regular reports to the SIMB and ORB.	contextualise the figures (e.g. increase in demand).			absence of IAM; this is tolerable. 19/02- Report received. Next due April'24.
1.2	Publication of FOI performance and compliance rates on force website.	Transparency and accountability with regard to force performance.		Feb 24	19/02- Historically data has been published by NPCC following regular returns. These returns will now also be published on the Force website. 18/03- New data has been prepared based on templates provided by the ICO. Published one month in arrears in order to show completed compliance data. Jan 24 returns has been published on the Force website and will now be refreshed monthly by the IAM.
1.3	Update force risk in relation to Information Access resourcing, resilience, and compliance. STRSX4275 - Inability to meet demand for information disclosures in the Information Access Team	To ensure appropriate mitigations to the risk are in place and adequate oversight is provided.	Supt Collen, Head of Information Management	Next update due 20/01/24	Dec 23 update completed. Jan 24 update completed and monthly updates monitored through automated

					compliance process through software.
1.4	Liaise with ICO to outline challenges and planned actions and ascertain what advice and guidance is available from the ICO to assist.	To ensure compliance and transparency and to minimise the risk of formal enforcement action.	Jim Collen	05/01/24	Discussion between ICO & JC 4/1. ICO have been briefed and this action plan discussed. They are supportive of planned actions and will look to appoint a caseworker for closer ongoing support. All forces have recently supplied performance data to the ICO and there is scrutiny in this sector; Sussex's performance is of concern but other forces have difficulties.
1.5	Assess what lessons can be learned from ICO and other public reports on other police forces, including: <ul style="list-style-type: none"> - GMP Enforcement Notice - PNSI FOI Breach Inquiry 	To ensure the force minimises and mitigates risk of FOI-related	Jim Collen, [REDACTED]	05/01/24	Reports have been reviewed by [REDACTED], JC & [REDACTED] and by Sara Naylor, Head of CDD. Entered on Force risk register with appropriate assurances and mitigations. A detailed review of the PNSI report has been completed by Head of IM and will be discussed at ORB Feb


					24. There are no significant gaps/ actions for Sussex Police but a detailed review will be undertaken through the Strategic Information Management Board in March 24.
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2. Process Improvement					
Action no.	Actions	Issue/Purpose	Owner	Timescale	Progress Update
2.1	Restructure Information Access Team, creating a trained SME/ supervisory role to support FOI caseworkers and designate a suitable number of caseworkers to specialise in FOI.	Due to high staff turnover, the understanding of law and procedure needs to be developed and the FOI team need to be empowered to make robust, lawful and ethical decisions on disclosures and exemptions with less reliance on managers or the DPO.	Jim Collen	Apr 24	4/1- Group consultation complete, 1:1 phase commenced. Revised SME JD produced and adverts for new posts to be issued by 5/1. Go-live scheduled for end of April 24. 5/1- Job adverts now live on Talentlink. 01/02- Application deadline has passed. 5

					<p>external candidates, none suitable/qualified; no internal candidates. Concerns of potential internal candidates to be explored further and the posts re-advertised. There is a risk that timescales may now be delayed.</p> <p>19/02- Posts readvertised. 121 to be arranged with prospective candidates.</p> <p>18/03- Suitable candidates progressing to interview during March 24. On course for go-live during April.</p>
2.2	Provide specific training on the application of exemptions to all caseworkers assigned to FOIs and to Head of Information Management.	Due to high staff turnover, the understanding of law and procedure needs to be developed and the FOI team need to be empowered to make robust, lawful		Feb 24	<p>Suitable training identified and funding allocated by Head of CDD. Training scheduled for mid-Feb. IAM and one caseworker have</p>

		and ethical decisions on disclosures and exemptions with less reliance on managers or the DPO.			already completed the full Practitioner course and further courses will be allocated in due course. Head of IM and two caseworkers attended FOI Practitioner training, 21/02.
2.3	<p>Full 'internal' FOI process map to be produced, reflecting the ICO model, using Code and Self-Assessment Tool.</p> <ul style="list-style-type: none"> • Process to be reviewed and agreed with clarity of ownership at each stage (within the FOI team as well as within the wider Force) and agreed deadlines for turnaround. Paper to set out who does what at each stage (FOI team, department, corporate communications). • Flow chart with decision points relating to delays – with agreed escalation points for complaints, information and decision notices and handling of internal reviews. Identified ranks/posts for handling. • Clear rules to be established around clarification of requests and how these are communicated to the requestor, and guidance produced for IA decision makers. • Compliance with the process to be monitored and included in reporting, as per 1.1 above. 	To provide a clear SLA, and timeline between divisions/departments and the FOI team providing clarity around process and responsibilities in dealing with FOIs. This will aid the timely provision of responses and improve the quality of responses.	Jim Collen, [REDACTED]	Jan 24	<p>4/1- Follow up action from 2021 action plan. Although these processes were reviewed then, this needs further review following personnel changes to ensure consistency of application.</p> <p>01/02- Message sent to Div/ Dept SPOCs and liaison with staff office and M&CD including re-circulation of process map.</p> <p>A review has been conducted to ensure that SPOCs are appropriate and correctly recorded</p>

					and some updates have been necessary. There has been targeted engagement with departments involved in FAQs (PSD, JTS, PP).
2.4	<p>Review FOI Team process for monitoring and logging complaints and internal reviews, handling Decision and Information Notices, including internal timelines, protocols and filing of associated correspondence.</p> <p>Head of IM and IAM to have fortnightly meetings to review progression of complaints and IRs.</p>	To provide clear audit trail of complaints and correspondence with complainants and regulator, along with clarity and accountability for delivery.		Feb 24	<p>01/02- IG have now taken responsibility for logging Decision and Information Notices. Head of IM has engaged with the ICO and offered them advice on where to direct their correspondence to ensure it receives management attention and a prompt response. Review cycle set up.</p>
2.5	Refresh internal communications/response asking divisions / departments on expectations for information to provide clear information on date for return, format and style of response.	To ensure that FOI responses are compliant and easily understood by requestors.	Jim Collen	Jan 24	<p>4/1- Input delivered to senior leaders at regular DCC meeting Dec 23. Further written comms to be sent.</p> <p>01/02- Message sent to Div/ Dept SPOCs and liaison with staff office and M&CD</p>

					<p>including re-circulation of process map.</p> <p>A review has been conducted to ensure that SPOCs are appropriate and correctly recorded and some updates have been necessary. There has been targeted engagement with departments involved in FAQs (PSD, JTS, PP).</p>
2.6	<p>Research and create an improved directory of readily available material commonly relevant to FOI requests.</p> <p>Using this data, increase use of s21 exemption – information already readily accessible & consider a template letter for this purpose.</p>	<p>There is a wide range of publicly available data relating to policing, crime and disorder both locally (e.g. Safer Roads Partnership) and nationally (e.g. ONS). By making the team's understanding of this data better, demand could be reduced by signposting rather than collating full responses within the organisation.</p>	<p>Jim Collen, [REDACTED] (Performance), Supt Richard Bates (Corporate Development Dept)</p>	Feb 24	<p>01/02- Completed.</p> <p> Readily Available Information Sources.c</p>

2.7	Review and improve Publication Scheme to determine whether more information could be provided related to subject matter most commonly requested.	<p>This will not only assist with managing demand but is included in ICO guidance.</p> <p>A review of what is available/ appropriate for proactive publication will be required but could include FOI FAQs such as:</p> <ul style="list-style-type: none"> - PSD data (statistics in addition to misconduct outcomes) - Staffing/ establishment data 		Mar 24	<p>07/02- PSD are now publishing detailed data on police sexual misconduct matters, the most common FOI question regarding misconduct. PSD are considering a request to expand the dataset to include all misconduct. JC has met with Public Protection and began development on a dataset for asylum seeking listed as missing persons. JC has also meet with Head of Joint Transport Services regarding publication of fleet data, albeit exemptions will need to be applied. The existing publications have been reviewed and 'weeded' as part of the review of PSNI recommendations. A full review of available material will be undertaken. For example, a recent FOI on e-scooters may be</p>
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					useful for a large number of similar outstanding requests.
2.8	Clarify and articulate the force position on returning to requestors to inform them of delays, and to check whether requests are still relevant. Provide templates for consistency of communication with those requestors and process for tracking responses.	<p>As many FOI requests are time-sensitive and made for specific purposes such as journalistic research or academic papers, some are rendered irrelevant over time.</p> <p>Not actioning the older portion of the backlog would create extra capacity to manage more current demand.</p> <p>This exercise was performed before in 2021 with some success and the process plans have been retained.</p>	Jim Collen, [REDACTED] [REDACTED]	Mar 24	<p>4/1- FOI Day of Action held 20/11/23 to assess and identify quick wins in backlogs, with whole CDD SMT contributing. This has resulted in the 2022 backlog reducing to around 50.</p> <p>JC has spoken with ICO SPOC who advises there is no legislative or ethical problem with taking a pragmatic approach to historic demand and asking applications a 'short, sharp question' as to the continued relevance of their request. Other public bodies have taken a similar approach.</p> <p>15/01- Backlog review has now commenced</p>

					<p>in liaison with Media Dept.</p> <p>01/02- First batch of backlogs reviews has been completed by Media and contact with applicants has commenced.</p> <p>18/03- Backlog review now complete. With January and February 2023 backlogs now nearly gone and a clear plan to resource backlog reduction, this process will be paused pending ongoing progress reviews.</p>
2.9	Establish regular meetings with Head of IM, IAM and caseworkers to identify and deal expeditiously with 'quick wins' and to assess complex/protracted cases to develop plans of action.	Timeliness of IR responses is poor when expressed as a % for compliance. The GMP practice notice clearly shows that this will be an issue of concern for the ICO.	Jim Collen	Jan 24	<p>01/02- Complete. Until April, the Head of IM will join the existing weekly caseworker meetings with URM. A new meeting cycle has been established to commence from April 24.</p>

2.10	<p>Proactively develop and publish 'Super Responses' for commonly asked questions. These may include (for illustration only, not a target list):</p> <ul style="list-style-type: none"> - Dog offences - Sussex Police fleet - Sussex Police staffing - Misconduct - Speed camera enforcement - E-bikes and scooters - Spiking - Weapons 	<p>This links to the development of the Publication Scheme.</p> <p>It is known that there is a number of frequently occurring topics in the FOI backlog and assessing these for specific content and producing a super response will have a impact on backlogs. E.g. we currently have 29 applications regarding speed cameras and 17 about e-bikes.</p>	<p>Jim Collen, [REDACTED]</p>	<p>Apr 24</p>	<p>01/02- An initial meeting has taken place with JTS and a fleet response is in development. PSD are now proactively publishing sexual misconduct data dating back to 2019. This material has been reviewed by Head of IM/ IAM and it will address a majority of FOI requests on this subject. D/Supt Robeson is exploring an expansion of the dataset to include all misconduct. When the scale of the task has been assessed, CDD will consider a brief secondment of a SIPU analyst to expedite. JC has met with PP to discuss FOI requests regarding asylum seekers who become MisPers. (ref 2.7)</p>

					<p>08/02- Dangerous dogs S.R. is now published. We have also produced a detailed FOI response to an e-vehicle request and this will be reviewed for development into an S.R.</p> <p>PP have now returned the data necessary for the Asylum/ MisPer S.R. – JC to collate/ draft S.R.</p> <p>█ to liaise with HR regarding the proactive publication of staffing data (care to be taken to learn lessons from PSNI breach).</p>
2.10	Compile and review previous DPO-authored rationales for exemptions and complex response to create a 'library'		Jim Collen	Feb 24	<p>4/1- We have retained responses from former FOI officers and the current DPO, giving some years worth of 'model replies' to review and collate.</p>

3.Service Recovery and Improvement					
Action no.	Actions	Issue/Purpose	Owner	Timescale	Progress Update
3.1	<p>Update style and content of response letters and templates:</p> <ul style="list-style-type: none"> • All letter templates to be reviewed to check for simplicity, clarity of explanation and conformity to Code of Practice with relevant advice and to minimise dissatisfaction and complaint. • Examples of good and bad practice provided for departments and divisions. • Additional communication drafted to go out for any request which is reaching 20 day deadline to inform of stage in process. 	To improve service to the public and ensure that requestors are kept informed about the progress of their request.	Jim Collen, [REDACTED]	Mar 24	
3.2	Liaison with Data, Digital & Technology Dept regarding the activation of automated messaging to applicants within Cyc Freedom.	<p>Where responses are delayed, it is important to nonetheless keep applicants informed and this is the expectation of the regulator.</p> <p>Cyc Freedom can perform this automated function for which we do not have the admin capacity to perform manually. Surrey have the same version of the software and have this function enabled so it is</p>	Jim Collen	Jan 24	<p>07/02- Not yet actioned.</p> <p>08/02- Initial discussion with software provider. Has requested that a 'ticket' be raised with GSA Support. This will enable software technicians to understand the issue and commence liaison with DDaT to explore blockages.</p>

		unclear why Sussex have been previously advised this is not possible.			
3.3	<p>Review of all outstanding FOIs and any outstanding complaints or correspondence – including risk assessment r.e further delays in response, and recovery ability.</p> <p>Plan and dedicated resource to be put in place to work down the backlog at the same time as progressing incoming FOIs. CDD to continue with periodic 'Days of Action' to support the IAT.</p> <p>Over-time to be offered to team and where possible negotiated with collaboration partner to provide additional capacity by tackling other demand managed by the same team.</p>	<p>To ensure that no correspondence has been missed.</p> <p>To respond as effectively as possible to any FOIs that are now out of date.</p>	Jim Collen, [REDACTED]	April 24	<p>10/01- Underway - specific resources from the performance team and governance team have been provided for the month of January to make progress on the backlog. Reviews will continue addressing oldest first.</p> <p>07/02- Ongoing. Backlog management will continue to involve the performance team and some backlog casework has been outsourced to maximise output.</p>
3.4	Regular meetings established between the Head of Information Management and equivalent at the Office of the Police and Crime Commissioner with the intention of providing early sight on issues raised in relation to FOIs, performance and managing complaints.	<p>To anticipate and address any complaints or cause for concern around service delivery and ensure transparency of approach.</p> <p>This process was established under the</p>	Jim Collen, [REDACTED] (OSPCC)	Jan 24	07/02- Monthly meeting cycle set up and commencing Feb 24.

		2021 action plan but has not continued.			
3.5	Commission data analysis of output against demand and use this data to produce a realistic set of milestones to achieve compliance with Enforcement Notice.	To set meaningful goals against progress can be assessed and to allow senior leaders to hold the IAT to account for that progress.	Sara Naylor (Head of CDD), Jim Collen	March 24	<p>18/03- The Strategic Insights Team have produced a detailed set of data. This data combines backlogs with predicted incoming demand and indicates that Sussex Police should manage a combined total of 246 per month to clear backlogs in 6 months.</p> <p>This in turn enables the development of monthly milestones (see Action 3.6)</p>
3.6	<p>Set and monitor performance milestones to clear backlogs.</p> <p>Insights data indicates a total of 246 cases must be managed per month in order to clear backlogs by August.</p> <p>In addition to the combined dataset of backlog and new demand, the backlog alone was 681 at the end of Feb. Over the 6 months to August 24, it is necessary to clear 113 of these per month. However, the Force has invested in additional casework capacity between March and May with the intention of making significant progress early.</p> <p>Milestones set as follows, to be reviewed monthly:</p>	To set meaningful goals against progress can be assessed and to allow senior leaders to hold the IAT to account for that progress.	Jim Collen	August 24	<p>19/03- Progress will be formally reviewed monthly as full compliance data becomes available.</p>

	<ul style="list-style-type: none"> - Each month to have an aggregate reduction in total backlog. - Backlogs to reduce to maximum levels by end of month: <p>March – 568 April - 455 May - 342 June - 229 July - 116</p> <ul style="list-style-type: none"> - Alongside these headline targets, the Force will aspire to reduce the backlog by 500 by the end of May and will review the effectiveness of this plan if this is not achieved. - Compliance % to be monitored monthly. With large numbers of backlogged cases being completed, the formal figure will be artificially deflated so manual checks will be necessary. 				
3.7	Identify ring-fenced and experienced resource to focus on backlog reduction, freeing the core team to focus on incoming demand and improved compliance.	To ensure that the Force can properly balance service provision to new and existing applicants and is able to achieve the reductions required by the Enforcement Notice.	Sara Naylor, Jim Collen	March 24	18/03- The Force has secured and funded an additional experienced caseworker from outside the IAT to focus solely on backlogged cases during March and April.

From: [Keeley Christine](#)
To: [Collen, Jim CC576](#)
Subject: RE: Monthly stats on FOI compliance
Date: 14 August 2024 10:40:00
Attachments: [image002.png](#)

Thanks very much Jim,

I take your point about the July figures, apologies I was getting ahead of myself. I don't know whether I was looking at an old version of the report as it was only showing up to May, but I can see the June figures now so that's great. Thank you for checking this for me.

Kind regards,

Keeley



Keeley Christine

Senior Case Officer – FOI Casework

(My usual working days are Monday - Thursday)

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

T. 0330 313 1735 [Jim](#). twitter.com/iconews

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From: Collen, Jim CC576 <James.Collen@sussex.police.uk>

Sent: Wednesday, August 14, 2024 10:34 AM

To: Keeley Christine <Keeley.Christine@ico.org.uk>

Cc: [REDACTED]@sussex.police.uk>; [REDACTED]
[REDACTED]@sussex.police.uk>

Subject: RE: Monthly stats on FOI compliance

External: This email originated outside the ICO.

Dear Keeley,

I've checked this with the team and see that we have published figures up to the end of June so only July is outstanding.

As we can't calculate compliance figures beyond a rolling 20 working days, we publish in arrears i.e. end of July figures will be added at the end of August, 20 working days after the 31st July.

So, I'm satisfied we are up to date at present, provided you are content with this?

Kind regards,

Jim



Superintendent Jim Collen CC576
Head of Information Management, Corporate Development
Dept

Sussex Police HQ | Church Lane | Lewes | East Sussex | BN7 2DZ
Mobile: [REDACTED]

From: Keeley Christine <Keeley.Christine@ico.org.uk>
Sent: Tuesday, August 13, 2024 2:32 PM
To: Collen, Jim CC576 <James.Collen@sussex.police.uk>
Subject: Monthly stats on FOI compliance

External Email - Please use caution when engaging with emails from outside the organisation. Visit our **Information Security Guidance Hub** to find out how to report suspicious emails as phishing.

Dear Jim,

I hope you are well and having a good summer so far.

I've been periodically checking the force's website for the monthly FOI compliance stats but they haven't been updated for a while. I've been checking them on this link:

[https://www.sussex.police.uk/SysSiteAssets/foi-media/sussex/other information/sussex-police-foi-sar-and-eir-monthly-statistics-2024.pdf](https://www.sussex.police.uk/SysSiteAssets/foi-media/sussex/other%20information/sussex-police-foi-sar-and-eir-monthly-statistics-2024.pdf)

Please could you send me the figures for June and July if possible? (apologies if I've missed the most recent figures on the website, or if you have already recently sent them to Mike Lea)

Kind regards,

Keeley



Keeley Christine
Senior Case Officer – FOI Casework

(My usual working days are Monday - Thursday)

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

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From: [Collen, Jim CC576](#)
To: [Keeley Christine](#); [Mike Lea-O'Mahoney](#)
Subject: RE: Monthly stats on FOI compliance
Date: 14 August 2024 10:40:21
Attachments: [image002.png](#)

External: This email originated outside the ICO.

Dear Keeley,

That's great. I am on leave the next two weeks so I am a little concerned I won't have a formal catch up with Mike before the actual compliance date passes.

Therefore, on Friday I will send a brief snapshot update (current number outstanding, oldest case, etc) the updated action plan and a narrative on future plans. This should serve as an interim update just in case one is needed and Mike and I can catch up in September if needed.

Kind regards,

Jim



Superintendent Jim Collen CC576
Head of Information Management, Corporate Development
Dept

Sussex Police HQ | Church Lane | Lewes | East Sussex | BN7 2DZ

Mobile: [REDACTED]

From: Keeley Christine <Keeley.Christine@ico.org.uk>
Sent: Wednesday, August 14, 2024 10:34 AM
To: Collen, Jim CC576 <James.Collen@sussex.police.uk>
Subject: RE: Monthly stats on FOI compliance

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Dear Jim,

That's great and thanks for coming back to me so quickly. I don't think we need a final report, but I will check with Mike. He is on leave this week, but I will come back to you as soon as I can.

Kind regards,

Keeley



Keeley Christine

Senior Case Officer – FOI Casework

(My usual working days are Monday - Thursday)

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T. 0330 313 1735 ico.org.uk twitter.com/iconews
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From: Collen, Jim CC576 <James.Collen@sussex.police.uk>
Sent: Tuesday, August 13, 2024 3:23 PM
To: Keeley Christine <Keeley.Christine@ico.org.uk>; [REDACTED]
[REDACTED] <[\[REDACTED\]@sussex.police.uk](mailto:[REDACTED]@sussex.police.uk)>; [REDACTED] <[\[REDACTED\]@sussex.police.uk](mailto:[REDACTED]@sussex.police.uk)>
Subject: RE: Monthly stats on FOI compliance

External: This email originated outside the ICO.

Dear Keeley,

I am really sorry, we have certainly been producing these data and sharing internally so they will be readily to hand.

Whilst writing, may I ask about the finalisation process for our Enforcement Notice? We complied with the requirement some time ago but wasn't sure if you require a final report?

[REDACTED],

Would you please send June and July compliance stats to Keeley and liaise with [REDACTED] to ensure these are updated on the website (or that we check the location if they've been posted elsewhere than where Keeley has checked).

Kind regards,
Jim



Superintendent Jim Collen CC576
Head of Information Management, Corporate Development
Dept
Sussex Police HQ | Church Lane | Lewes | East Sussex | BN7 2DZ
Mobile: [REDACTED]

From: Keeley Christine <Keeley.Christine@ico.org.uk>
Sent: Tuesday, August 13, 2024 2:32 PM
To: Collen, Jim CC576 <James.Collen@sussex.police.uk>
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Dear Jim,

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https://www.sussex.police.uk/SysSiteAssets/foi-media/sussex/other_information/sussex-police-foi-sar-and-eir-monthly-statistics-2024.pdf

Please could you send me the figures for June and July if possible? (apologies if I've missed the most recent figures on the website, or if you have already recently sent them to Mike Lea)

Kind regards,

Keeley



Keeley Christine

Senior Case Officer – FOI Casework

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From: [Collen, Jim CC576](#)
To: [Mike Lea-O'Mahoney](#)
Cc: [Keeley Christine](#); [Naylor, Sara 33067](#)
Subject: Enforcement Notice Update
Date: 16 August 2024 12:42:31
Attachments: [image001.png](#)
[FOI Action Plan Jan 2024.docx](#)
Importance: High

External: This email originated outside the ICO.

Dear Mike,

I would like to offer you an update regarding our progress against the EN issued by the ICO on 14th February.

You will recall that the EN required us to clear the backlog that existed as of the date of issue, approximately 840 cases.

I am pleased to confirm this was achieved some weeks ago and I am now offering a further update on continued progress.

Figures as of today are as follows, including interim compliance figures for the current month.

FOIs Rcvd in August	48
FOIs Closed in August	126
FOIs Open	210
FOIs Overdue	144
Compliance for July's FOIs so far (20 working days not yet reached)	57%
ICO Complaints Rcvd	1 (now closed)
ICO Complaints Closed	2
FOI IRs Rcvd	3
FOI IRs Closed	2

The Force has now seen output exceed demand and the backlog fall every month since February and I am satisfied that this trend is now well established.

I should say there was a statistical exception in July where both figures shown a slight increase but in reality this was the result of a large number of cases completed by our trainee staff awaiting quality assurance. As can be seen above, the long term improvement has since been fully re-established and I reasonably foresee the Force working without a backlog in the coming months.

Of course, we will not see compliance figure reach hoped for levels until our backlog is cleared but we are seeing month on month improvement against this measure too.

We were also asked to develop and publish an action plan which we did. An updated version is attached. You will see that all actions are complete aside from two which are co-dependant on finding an IT solution and which I continue to attempt to progress with our software provider.

I hope you will agree the Force has made substantial progress since February, not just complying with the EN but restructuring the way we work to ensure sustained compliance in the future. Please also be assured that our chief officers continue to take a very close interest in this area

and receive regular briefings.

I am on leave until early September so please contact my Head of Dept Sara Naylor if there are any urgent queries. Otherwise, I hope we can catch up next month.

Kind regards,
Jim



Superintendent Jim Collen CC576
Head of Information Management, Corporate Development
Dept

Sussex Police HQ | Church Lane | Lewes | East Sussex | BN7 2DZ

Mobile: [REDACTED]

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FOI Improvement Action Plan

Governance & Assurance					
Action no.	Actions	Issue /Purpose	Owner	Timescale	Progress Update
1.1	<p>Quarterly performance statistics (collated for the NPCC) to be shared with Head of CDD in addition to existing monthly summary. To include:</p> <ul style="list-style-type: none"> No FOIs received No of overdue FOIs FOI compliance rate (as per ICO guidance) Total overdue FOIs/FOI backlog (by calendar year & total) Timescales for completion of Internal Reviews No complaints (received and resolved) Any Information or Decision Notices received Oldest outstanding application (with reasons for why outstanding inc subject matter). <p>In addition, Head of IM will be given:</p> <ul style="list-style-type: none"> Details of any department with 2 or more FOIs outstanding within any given month. Contextual information to explain or mitigate delays/ non-compliance. 	<p>Performance data on FOI compliance is not easily available. A single set of metrics should be available on a regular basis for transparency and to inform performance management actions.</p> <p>Where data reflects ICO metrics, this also needs to be supplemented with additional background information to</p>	<p>[REDACTED], Information Access Manager.</p>	<p>First report to be produced end of Jan'24.</p>	<p>01/02- Information Governance are now assisting IAM with recording and tracking DMs. Monthly compliance data has been added to the standard monthly reporting template. First full quarterly report will be delayed by one week due to IAM on leave but these KPIs are being embedded.</p> <p>07/02- First full report delayed by one week due to planned leave</p>

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	These data will be included in the regular reports to the SIMB and ORB.	contextualise the figures (e.g. increase in demand).			<p>absence of IAM; this is tolerable.</p> <p>19/02- Report received. Next due April'24.</p> <p>NOW AN EMBEDDED PROCESS</p>
1.2	Publication of FOI performance and compliance rates on force website.	Transparency and accountability with regard to force performance.		Feb 24	<p>19/02- Historically data has been published by NPCC following regular returns. These returns will now also be published on the Force website.</p> <p>18/03- New data has been prepared based on templates provided by the ICO. Published one month in arrears in order to show completed compliance data. Jan 24 returns has been published on the Force website and will now be refreshed monthly by the IAM.</p> <p>NOW AN EMBEDDED PROCESS</p>

1.3	<p>Update force risk in relation to Information Access resourcing, resilience, and compliance.</p> <p>STRSX4275 - Inability to meet demand for information disclosures in the Information Access Team</p>	To ensure appropriate mitigations to the risk are in place and adequate oversight is provided.	Supt Collen, Head of Information Management	Next update due 20/01/24	<p>Dec 23 update completed.</p> <p>Jan 24 update completed and monthly updates monitored through automated compliance process through software.</p> <p>EMBEDDED PROCESS MANAGED THROUGH KETO.</p>
1.4	<p>Liaise with ICO to outline challenges and planned actions and ascertain what advice and guidance is available from the ICO to assist.</p>	To ensure compliance and transparency and to minimise the risk of formal enforcement action.	Jim Collen	05/01/24	<p>Discussion between ICO & JC 4/1. ICO have been briefed and this action plan discussed. They are supportive of planned actions and will look to appoint a caseworker for closer ongoing support. All forces have recently supplied performance data to the ICO and there is scrutiny in this sector; Sussex's performance is of concern but other forces have difficulties.</p>
1.5	<p>Assess what lessons can be learned from ICO and other public reports on other police forces, including:</p>	To ensure the force minimises and	Jim Collen, [REDACTED]	05/01/24	<p>Reports have been reviewed by [REDACTED]</p>

	<ul style="list-style-type: none"> - GMP Enforcement Notice - PNSI FOI Breach Inquiry 	mitigates risk of FOI-related			<p>████ JC & █████ and by Sara Naylor, Head of CDD. Entered on Force risk register with appropriate assurances and mitigations. A detailed review of the PNSI report has been completed by Head of IM and will be discussed at ORB Feb 24. There are no significant gaps/ actions for Sussex Police but a detailed review will be undertaken through the Strategic Information Management Board in March 24.</p>
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2. Process Improvement					
Action no.	Actions	Issue/Purpose	Owner	Timescale	Progress Update
2.1	Restructure Information Access Team, creating a trained SME/ supervisory role to support FOI caseworkers and designate a suitable number of caseworkers to specialise in FOI.	Due to high staff turnover, the understanding of law	Jim Collen	Apr 24	4/1- Group consultation complete, 1:1 phase


Not Protectively Marked

		and procedure needs to be developed and the FOI team need to be empowered to make robust, lawful and ethical decisions on disclosures and exemptions with less reliance on managers or the DPO.			<p>commenced. Revised SME JD produced and adverts for new posts to be issued by 5/1. Go-live scheduled for end of April 24.</p> <p>5/1- Job adverts now live on Talentlink.</p> <p>01/02- Application deadline has passed. 5 external candidates, none suitable/qualified; no internal candidates. Concerns of potential internal candidates to be explored further and the posts re-advertised. There is a risk that timescales may now be delayed.</p> <p>19/02- Posts readvertised. 121 to be arranged with prospective candidates.</p> <p>18/03- Suitable candidates progressing to interview during March 24. On course</p>
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					for go-live during April. 01/06-(late entry) Go-live achieved within timescale.
2.2	Provide specific training on the application of exemptions to all caseworkers assigned to FOIs and to Head of Information Management.	Due to high staff turnover, the understanding of law and procedure needs to be developed and the FOI team need to be empowered to make robust, lawful and ethical decisions on disclosures and exemptions with less reliance on managers or the DPO.	██████████	Feb 24	Suitable training identified and funding allocated by Head of CDD. Training scheduled for mid-Feb. IAM and one caseworker have already completed the full Practitioner course and further courses will be allocated in due course. Head of IM and two caseworkers attended FOI Practitioner training, 21/02.
2.3	Full 'internal' FOI process map to be produced, reflecting the ICO model, using Code and Self-Assessment Tool. <ul style="list-style-type: none"> Process to be reviewed and agreed with clarity of ownership at each stage (within the FOI team as well as within the wider Force) and agreed deadlines for turnaround. Paper to set out who does what at each stage (FOI team, department, corporate communications). 	To provide a clear SLA, and timeline between divisions/departments and the FOI team providing clarity around process and responsibilities in	Jim Collen, ██████████	Jan 24	4/1- Follow up action from 2021 action plan. Although these processes were reviewed then, this needs further review following personnel changes to ensure

	<ul style="list-style-type: none"> Flow chart with decision points relating to delays – with agreed escalation points for complaints, information and decision notices and handling of internal reviews. Identified ranks/posts for handling. Clear rules to be established around clarification of requests and how these are communicated to the requestor, and guidance produced for IA decision makers. Compliance with the process to be monitored and included in reporting, as per 1.1 above. 	dealing with FOIs. This will aid the timely provision of responses and improve the quality of responses.			<p>consistency of application.</p> <p>01/02- Message sent to Div/ Dept SPOCs and liaison with staff office and M&CD including re-circulation of process map.</p> <p>A review has been conducted to ensure that SPOCs are appropriate and correctly recorded and some updates have been necessary. There has been targeted engagement with departments involved in FAQs (PSD, JTS, PP).</p>
2.4	<p>Review FOI Team process for monitoring and logging complaints and internal reviews, handling Decision and Information Notices, including internal timelines, protocols and filing of associated correspondence.</p> <p>Head of IM and IAM to have fortnightly meetings to review progression of complaints and IRs.</p>	To provide clear audit trail of complaints and correspondence with complainants and regulator, along with clarity and accountability for delivery.		Feb 24	<p>01/02- IG have now taken responsibility for logging Decision and Information Notices. Head of IM has engaged with the ICO and offered them advice on where to direct their correspondence to ensure it receives management</p>

					attention and a prompt response. Review cycle set up.
2.5	Refresh internal communications/response asking divisions / departments on expectations for information to provide clear information on date for return, format and style of response.	To ensure that FOI responses are compliant and easily understood by requestors.	Jim Collen	Jan 24	<p>4/1- Input delivered to senior leaders at regular DCC meeting Dec 23. Further written comms to be sent.</p> <p>01/02- Message sent to Div/ Dept SPOCs and liaison with staff office and M&CD including re-circulation of process map. A review has been conducted to ensure that SPOCs are appropriate and correctly recorded and some updates have been necessary. There has been targeted engagement with departments involved in FAQs (PSD, JTS, PP).</p>
2.6	Research and create an improved directory of readily available material commonly relevant to FOI requests.	There is a wide range of publicly available	Jim Collen, [REDACTED]	Feb 24	01/02- Completed.

	Using this data, increase use of s21 exemption – information already readily accessible & consider a template letter for this purpose.	data relating to policing, crime and disorder both locally (e.g. Safer Roads Partnership) and nationally (e.g. ONS). By making the team's understanding of this data better, demand could be reduced by signposting rather than collating full responses within the organisation.	(Performance), Supt Richard Bates (Corporate Development Dept)		 Readily Available Information Sources.c
2.7	Review and improve Publication Scheme to determine whether more information could be provided related to subject matter most commonly requested.	<p>This will not only assist with managing demand but is included in ICO guidance.</p> <p>A review of what is available/ appropriate for proactive publication will be required but could include FOI FAQs such as:</p> <ul style="list-style-type: none"> - PSD data (statistics in addition to misconduct outcomes) - Staffing/ establishment data 	██████████	Mar 24	07/02- PSD are now publishing detailed data on police sexual misconduct matters, the most common FOI question regarding misconduct. PSD are considering a request to expand the dataset to include all misconduct. JC has met with Public Protection and began development on a dataset for asylum seeking listed as missing persons. JC has also met with Head of Joint Transport Services

					<p>regarding publication of fleet data, albeit exemptions will need to be applied. The existing publications have been reviewed and 'weeded' as part of the review of PSNI recommendations. A full review of available material will be undertaken. For example, a recent FOI on e-scooters may be useful for a large number of similar outstanding requests.</p> <p>See also 2.10</p>
2.8	Clarify and articulate the force position on returning to requestors to inform them of delays, and to check whether requests are still relevant. Provide templates for consistency of communication with those requestors and process for tracking responses.	<p>As many FOI requests are time-sensitive and made for specific purposes such as journalistic research or academic papers, some are rendered irrelevant over time.</p> <p>Not actioning the older portion of the backlog would create extra capacity to</p>	Jim Collen, [REDACTED]	Mar 24	<p>4/1- FOI Day of Action held 20/11/23 to assess and identify quick wins in backlogs, with whole CDD SMT contributing. This has resulted in the 2022 backlog reducing to around 50.</p> <p>JC has spoken with ICO SPOC who advises</p>

		<p>manage more current demand.</p> <p>This exercise was performed before in 2021 with some success and the process plans have been retained.</p>		<p>there is no legislative or ethical problem with taking a pragmatic approach to historic demand and asking applications a 'short, sharp question' as to the continued relevance of their request. Other public bodies have taken a similar approach.</p> <p>15/01- Backlog review has now commenced in liaison with Media Dept.</p> <p>01/02- First batch of backlogs reviews has been completed by Media and contact with applicants has commenced.</p> <p>18/03- Backlog review now complete. With January and February 2023 backlogs now nearly gone and a clear plan to resource backlog reduction, this process will be paused pending</p>
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					ongoing progress reviews.
2.9	Establish regular meetings with Head of IM, IAM and caseworkers to identify and deal expeditiously with 'quick wins' and to assess complex/protracted cases to develop plans of action.	Timeliness of IR responses is poor when expressed as a % for compliance. The GMP practice notice clearly shows that this will be an issue of concern for the ICO.	Jim Collen	Jan 24	01/02- Complete. Until April, the Head of IM will join the existing weekly caseworker meetings with URM. A new meeting cycle has been established to commence from April 24. NOW AN EMBEDDED PROCESS.
2.10	Proactively develop and publish 'Super Responses' for commonly asked questions. These may include (for illustration only, not a target list): <ul style="list-style-type: none"> - Dog offences - Sussex Police fleet - Sussex Police staffing - Misconduct - Speed camera enforcement - E-bikes and scooters - Spiking - Weapons 	This links to the development of the Publication Scheme. It is known that there is a number of frequently occurring topics in the FOI backlog and assessing these for specific content and producing a super response will have a impact on backlogs.	Jim Collen, [REDACTED]	Initially Apr 24 but subject to ongoing review and revision	01/02- An initial meeting has taken place with JTS and a fleet response is in development. PSD are now proactively publishing sexual misconduct data dating back to 2019. This material has been reviewed by Head of IM/ IAM and it will address a majority of FOI

		<p>E.g. we currently have 29 applications regarding speed cameras and 17 about e-bikes.</p>			<p>requests on this subject.</p> <p>D/Supt Robeson is exploring an expansion of the dataset to include all misconduct. When the scale of the task has been assessed, CDD will consider a brief secondment of a SIPU analyst to expedite.</p> <p>JC has met with PP to discuss FOI requests regarding asylum seekers who become MisPers. (ref 2.7)</p> <p>08/02- Dangerous dogs S.R. is now published. We have also produced a detailed FOI response to an e-vehicle request and this will be reviewed for development into an S.R.</p> <p>PP have now returned the data necessary for the Asylum/ MisPer S.R. – JC to collate/ draft S.R.</p>
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					<p>■ to liaise with HR regarding the proactive publication of staffing data (care to be taken to learn lessons from PSNI breach).</p> <p>01/06- Fleet S.R. now live and published. HR Establishment S.R. in progress.</p>
2.10	Compile and review previous DPO-authored rationales for exemptions and complex response to create a 'library'		Jim Collen	Feb 24	<p>4/1- We have retained responses from former FOI officers and the current DPO, giving some years' worth of 'model replies' to review and collate.</p>

3.Service Recovery and Improvement					
Action no.	Actions	Issue/Purpose	Owner	Timescale	Progress Update
3.1	Update style and content of response letters and templates:	To improve service to the public and ensure that requestors are kept	Jim Collen, ■ ■■■■■	Mar 24	13/06- At present, we remain unable to

Not Protectively Marked

	<ul style="list-style-type: none"> • All letter templates to be reviewed to check for simplicity, clarity of explanation and conformity to Code of Practice with relevant advice and to minimise dissatisfaction and complaint. • Examples of good and bad practice provided for departments and divisions. • Additional communication drafted to go out for any request which is reaching 20 day deadline to inform of stage in process. 	informed about the progress of their request.			<p>commit to sending interim updates whilst the focus remains on EN compliance and backlogs.</p> <p>The inability to use CF to automate the process is also causing ongoing frustration. Therefore, Teams-based solutions are now being explored.</p> <p>█ has created a library of template examples for use by caseworkers and to assist departments where necessary.</p>
3.2	Liaison with Data, Digital & Technology Dept regarding the activation of automated messaging to applicants within Cyc Freedom.	<p>Where responses are delayed, it is important to nonetheless keep applicants informed and this is the expectation of the regulator.</p> <p>Cyc Freedom can perform this automated function for which we do not have the admin capacity to perform manually. Surrey have the same version of the</p>	Jim Collen	Jan 24	<p>07/02- Not yet actioned.</p> <p>08/02- Initial discussion with software provider. Has requested that a 'ticket' be raised with GSA Support. This will enable software technicians to understand the issue and commence liaison with DDaT to explore blockages.</p>

		software and have this function enabled so it is unclear why Sussex have been previously advised this is not possible.			01/06- Despite ongoing liaison with GSA and DDaT this continues to meet technology obstacles. Ongoing.
3.3	<p>Review of all outstanding FOIs and any outstanding complaints or correspondence – including risk assessment r.e further delays in response, and recovery ability.</p> <p>Plan and dedicated resource to be put in place to work down the backlog at the same time as progressing incoming FOIs. CDD to continue with periodic 'Days of Action' to support the IAT.</p> <p>Over-time to be offered to team and where possible negotiated with collaboration partner to provide additional capacity by tackling other demand managed by the same team.</p>	<p>To ensure that no correspondence has been missed.</p> <p>To respond as effectively as possible to any FOIs that are now out of date.</p>	Jim Collen, [REDACTED]	April 24	<p>10/01- Underway - specific resources from the performance team and governance team have been provided for the month of January to make progress on the backlog. Reviews will continue addressing oldest first.</p> <p>07/02- Ongoing. Backlog management will continue to involve the performance team and some backlog casework has been outsourced to maximise output.</p> <p>13/06- Outsourcing contract now completed with over 700 applications dealt with and only 62 risk backlog left as at 31st May. On schedule to complete well before</p>

					31 st August and to significantly the newer backlog out of the scope of the EN.
3.4	Regular meetings established between the Head of Information Management and equivalent at the Office of the Police and Crime Commissioner with the intention of providing early sight on issues raised in relation to FOIs, performance and managing complaints.	<p>To anticipate and address any complaints or cause for concern around service delivery and ensure transparency of approach.</p> <p>This process was established under the 2021 action plan but has not continued.</p>	Jim Collen, [REDACTED] (OSPCC)	Jan 24	07/02- Monthly meeting cycle set up and commencing Feb 24.
3.5	Commission data analysis of output against demand and use this data to produce a realistic set of milestones to achieve compliance with Enforcement Notice.	To set meaningful goals against progress can be assessed and to allow senior leaders to hold the IAT to account for that progress.	Sara Naylor (Head of CDD), Jim Collen	March 24	<p>18/03- The Strategic Insights Team have produced a detailed set of data. This data combines backlogs with predicted incoming demand and indicates that Sussex Police should manage a combined total of 246 per month to clear backlogs in 6 months.</p> <p>This in turn enables the development of monthly milestones (see Action 3.6)</p>

3.6	<p>Set and monitor performance milestones to clear backlogs.</p> <p>Insights data indicates a total of 246 cases must be managed per month in order to clear the pre-January backlogs by August. In addition to the combined dataset of backlog and new demand, the backlog alone was 681 at the end of Feb. Over the 6 months to August 24, it is necessary to clear 113 of these per month. However, the Force has invested in additional casework capacity between March and May with the intention of making significant progress early.</p> <p>Milestones set as follows, to be reviewed monthly:</p> <ul style="list-style-type: none"> - Each month to have an aggregate reduction in total backlog. - Backlogs to reduce to maximum levels by end of month: <ul style="list-style-type: none"> March – 568 April - 455 May - 342 June - 229 July - 116 - Alongside these headline targets, the Force will aspire to reduce the backlog by 500 by the end of May and will review the effectiveness of this plan if this is not achieved. - Compliance % to be monitored monthly. With large numbers of backlogged cases being completed, the formal figure will be artificially deflated so manual checks will be necessary. 	To set meaningful goals against progress can be assessed and to allow senior leaders to hold the IAT to account for that progress.	Jim Collen	August 24	<p>19/03- Progress will be formally reviewed monthly as full compliance data becomes available.</p> <p>13/06- End of month backlog figures:</p> <ul style="list-style-type: none"> - March 597 (below expected) - April 431 (above expected) pre-EN backlog: 256 - May 276 (below expected) pre-EN backlog 63 <p>Compliance has increased from 28% in November to 40% in May. Will remain AMBER until EN backlog fully removed.</p> <p>14/08- Further end of month figures:</p> <ul style="list-style-type: none"> - June 191 (with none remaining)
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					<p>outstanding pre-January, thereby complying with EN)</p> <ul style="list-style-type: none"> - 198 (slight rise but includes 30+ cases completed by trainees and awaiting final review). <p>Compliance rose further to 45% in June although still greatly impacted by the need to clear backlog cases.</p>
3.7	Identify ring-fenced and experienced resource to focus on backlog reduction, freeing the core team to focus on incoming demand and improved compliance.	To ensure that the Force can properly balance service provision to new and existing applicants and is able to achieve the reductions required by the Enforcement Notice.	Sara Naylor, Jim Collen	March 24	18/03- The Force has secured and funded an additional experienced caseworker from outside the IAT to focus solely on backlogged cases during March and April.

From: [Collen, Jim CC576](#)
To: [Mike Lea-O'Mahoney](#)
Cc: [Keeley Christine](#); [Naylor, Sara 33067](#); [REDACTED]
Subject: RE: Enforcement Notice Update
Date: 03 September 2024 11:01:39
Attachments: [image001.png](#)

External: This email originated outside the ICO.

Dear Mike,

Thanks for your continued support.

I know have end-of-August data available and am pleased to report the backlog has fallen again, to 115 with 113 applications coming in and 211 replies sent out. Complaints remain low and current compliance has moved from the mid-40% to mid-50's. Clearly, we will increase this quickly once the backlog is gone which I now want to achieve within 3 months at the outside. I am very confident this is achievable and that the performance we have established is sustainable with our two junior staff members progressing towards full competence at some pace now.

Any further suggestions and support would be gratefully received. I really do feel we are now where we need to be in terms of both quality and quantity of work but there is always room for improvement.

Would you have any availability next week on either Wednesday morning or Friday afternoon?

Kind regards,
Jim



Superintendent Jim Collen CC576
Head of Information Management, Corporate Development
Dept
Sussex Police HQ | Church Lane | Lewes | East Sussex | BN7 2DZ
Mobile: [REDACTED]

From: Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>
Sent: Friday, August 23, 2024 7:38 AM
To: Collen, Jim CC576 <James.Collen@sussex.police.uk>
Cc: Keeley Christine <Keeley.Christine@ico.org.uk>; Naylor, Sara 33067 <Sara.Naylor@sussex.police.uk>
Subject: RE: Enforcement Notice Update

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Dear Jim,

Firstly, I must offer the Commissioner's congratulations for the force's

clearing of the outstanding requests from the date of EN issue.

That was one of the specific steps outlined within the EN and to meet it means compliance is assured.

Going forwards, we appreciate that the force aims to improve its general compliance/performance and this is something we would like to support, where possible.

Very happy to have a meeting, when convenient, to discuss progress. We would like to see the force build on the very positive work undertaken to clear the original backlog, to establish and embed sustained improvement and prevent any further backlogs from growing.

Regards,

Michael Lea-O'Mahoney

Group Manager – FOI Casework

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

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From: Collen, Jim CC576 <James.Collen@sussex.police.uk>

Sent: Friday, August 16, 2024 12:42 PM

To: Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>

Cc: Keeley Christine <Keeley.Christine@ico.org.uk>; Naylor, Sara 33067 <Sara.Naylor@sussex.police.uk>

Subject: Enforcement Notice Update

Importance: High

External: This email originated outside the ICO.

Dear Mike,

I would like to offer you an update regarding our progress against the EN issued by the ICO on 14th February.

You will recall that the EN required us to clear the backlog that existed as of the date of issue, approximately 840 cases.

I am pleased to confirm this was achieved some weeks ago and I am now offering a further update on continued progress.

Figures as of today are as follows, including interim compliance figures for the current month.

FOIs Rcvd in August	48
FOIs Closed in August	126

FOIs Open	210
FOIs Overdue	144
Compliance for July's FOIs so far (20 working days not yet reached)	57%
ICO Complaints Rcvd	1 (now closed)
ICO Complaints Closed	2
FOI IRs Rcvd	3
FOI IRs Closed	2

The Force has now seen output exceed demand and the backlog fall every month since February and I am satisfied that this trend is now well established.

I should say there was a statistical exception in July where both figures shown a slight increase but in reality this was the result of a large number of cases completed by our trainee staff awaiting quality assurance. As can be seen above, the long term improvement has since been fully re-established and I reasonably foresee the Force working without a backlog in the coming months.

Of course, we will not see compliance figure reach hoped for levels until our backlog is cleared but we are seeing month on month improvement against this measure too.

We were also asked to develop and publish an action plan which we did. An updated version is attached. You will see that all actions are complete aside from two which are co-dependant on finding an IT solution and which I continue to attempt to progress with our software provider.

I hope you will agree the Force has made substantial progress since February, not just complying with the EN but restructuring the way we work to ensure sustained compliance in the future. Please also be assured that our chief officers continue to take a very close interest in this area and receive regular briefings.

I am on leave until early September so please contact my Head of Dept Sara Naylor if there are any urgent queries. Otherwise, I hope we can catch up next month.

Kind regards,
Jim



Superintendent Jim Collen CC576
Head of Information Management, Corporate Development
Dept

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Mobile: [REDACTED]

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