

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 November 2014

Public Authority: Home Office
Address: 2 Marsham Street
London
SW1P 4DF

Decision (including any steps ordered)

1. The complainant has requested information relating to tasers.
2. The Home Office (HO) failed to respond to this request for information and the Commissioner's decision is that in doing so it breached sections 1(1) and 10(1) of the Freedom of Information Act 2000.
3. The Commissioner requires the HO to take the following steps to ensure compliance with the legislation.
 - Respond to the request
4. The HO must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the FOIA and may be dealt with as a contempt of court.

Request and response

5. On 10 April 2014, the complainant wrote to the HO and requested information in the following terms:

"Taser use, broken down by the individual age of the person the taser was used against for the years 2012 and 2013

If possible I would also like the data to show how the taser was used (red dotted, drive stun etc etc) in each case NB I have been sent data

for previous years which grouped people by 10 year periods – 010, 11-20 etc. I would like to be able to see the new data by individual incident.

If that is not possible within the restrictions, I would like the data to at least show the number of people aged 17 and under who had a taser used on them. I would also like the data broken down by age – ie number of 16 year olds tasered, number of 17 year olds etc

I would also like the data for the type of uses of a taser against all people aged 17 and under. Ie number of red dotted aged 17 and under, number drive stun aged 17 and under etc

The broader statistics I am looking to interrogate are published here <https://www.gov.uk/government/publications/police-use-of-taser-statistics-england-and-wales-2012-to-2013/police-use-of-taser-statistics-england-and-wales-2012-to-2013>”

6. At the time of writing the HO had failed to respond substantively to this request. The HO sent a number of holding letters to the complainant giving dates of when a response was likely to be sent, however it failed to provide a response by the dates given in the letters.

Scope of the case

7. The complainant contacted the Commissioner on 6 August 2014 to complain about the failure by the Home Office to respond to his request.

Reasons for decision

8. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
9. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and “no later than the twentieth working day following the date of receipt”.
10. In this case the HO has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days. At paragraph 3 above the Home Office is now required to respond to the complainant’s request in accordance with the FOIA.

Right of appeal

11. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

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

Tel: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

12. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
13. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Jon Manners
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Wycliffe House
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Wilmslow
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SK9 5AF