

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 December 2018

Public Authority: Chief Constable of Sussex Police

Address: Sussex Police Headquarters

Malling House

Lewes

Sussex

BN7 2DZ

Decision (including any steps ordered)

1. The complainant requested copies of correspondence with, or about, local community group Sussex Friends of Israel.
2. The Commissioner's decision is that Sussex Police has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires Sussex Police to take the following step to ensure compliance with the legislation.
 - Sussex Police must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. Sussex Police must take this step 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 8 September 2018, the complainant wrote to Sussex Police and requested information in the following terms:

"Please provide me with an electronic copy of all correspondence you have received from Sussex Friends of Israel, or from other persons not part of the police about Sussex Friends of Israel, dated since 13 June 2014. You will obviously need to blank out personally-identifying details. Please also supply any replies to said correspondence.

As your Protest Liaison team will know, SFI is a local pro-Israel group which mounts weekly counterdemonstrations outside Ecostream on Western Road, in opposition to pro-Palestinian demonstrators calling for a boycott of the shop."

6. The complainant wrote to Sussex Police on 23 October 2018 regarding the overdue response, he asked it to reply by close of business 25 October 2018 but did not receive a response.

Scope of the case

7. The complainant contacted the Commissioner on 26 October 2018 to complain about Sussex Police's failure to respond to his information request.
8. On 14 November 2018 the Commissioner wrote to Sussex Police reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
9. Despite this intervention Sussex Police has failed to respond to the complainant.

Reasons for decision

10. Section 1(1) of the FOIA states that:

"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."

11. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt."*
12. From the evidence provided to the Commissioner in this case, it is clear that Sussex Police did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Sussex Police has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

Right of appeal

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

14. 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.
15. 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

Ben Tomes
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