

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 December 2018

Public Authority: Chief Constable of Sussex Police
Address: Sussex Police Headquarters
Malling House
Church Lane
Lewes
BN7 2DZ

Decision (including any steps ordered)

1. The complainant has requested information relating to a football match between Brighton and Hove Albion and Crystal Palace on 28 November 2017 and a Ticketless Fan Allegation.
2. Sussex Police failed to respond to this request for information and the Commissioner's decision is that in doing so Sussex Police breached sections 1(1) and 10(1) of the FOIA.
3. The Commissioner requires Sussex Police to take the following steps to ensure compliance with the legislation.
 - Issue a response to the request under the FOIA by either complying with section 1(1) of the FOIA or issuing a valid refusal notice.
4. Sussex Police 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 27 February 2018, the complainant wrote to Sussex Police and requested information in the following terms:

"... I make the following additional requests pursuant to the Act, to which the above considerations on public interests continue to apply:

a. Please confirm the basis of the Ticketless Fan Allegation as contained within the Amended Statement;

b. Please confirm the number of reports made to the Sussex Police of ticketless fans seeking entry to the Amex of the Match;

c. Please confirm the number of CPFC Supporters positively identified by the Sussex Police at the Match as being without a valid ticket for the Match;

d. Please confirm the steps taken by Sussex Police to deal with specific CPFC Supporters at the Match who were not in possession of tickets for the Match; and

e. Please confirm whether any arrests have been made by the Sussex Police in relation to the subject matter of the Ticketless Fan Allegation."

6. At the date of this decision notice, Sussex Police had yet to respond substantively to the request.

Scope of the case

7. The complainant contacted the Commissioner on 22 June 2018 to complain about the way his request for information had been handled.
8. The Commissioner wrote to Sussex Police on 1 August 2018, 25 October 2018 and 2 November 2018 asking it to respond to the complainant's request for information.
9. Given the substantial delay in responding to the request, the Commissioner is of the view that a decision notice considering Sussex Police's compliance with the FOIA, is appropriate in this case.

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 8(1) of the FOIA states:

"In this Act any reference to a "request for information" is a reference to such a request which –

- (a) *is in writing,*
- (b) *states the name of the applicant and an address for correspondence, and*
- (c) *describes the information requested."*

12. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

13. Section 10 of the FOIA states that responses to requests made under the FOIA must be provided *"promptly and in any event no later than the twentieth working day following the date of receipt."*

14. In this case Sussex Police breached sections 1(1) and 10(1) of the FOIA by failing to respond to the request within 20 working days.

Other matters

15. As well as issuing this decision notice, the Commissioner has made a separate record of the failure by Sussex Police to respond to the complainant's request. This issue may be revisited should evidence from other cases suggest that is necessary.

Right of appeal

16. 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

17. 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.
18. 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

Deborah Clark
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