

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 16 May 2019

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

#### **Decision (including any steps ordered)**

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1. The complainant requested information about thefts from motor vehicles within specific geographic areas.
2. The Commissioner's decision is that the Chief Constable of Sussex Police ("the Constabulary") failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the Constabulary to take the following steps to ensure compliance with the legislation.
  - Issue a substantive response, under the FOIA, to the request.
4. The Constabulary 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

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5. On 10 October 2018, the complainant wrote to the Constabulary and requested information in the following terms:

*"the following crime data:*

*Thefts from unattended motor vehicles parked at rural, beauty spot car parks within whole of the Chichester policing district namely; Chichester, Midhurst and Petworth areas. This crime data should include the period from the 1st March 2018 to the 1st October 2018.*

*Please supply this crime data in electronic or paper form."*

6. The Constabulary acknowledged the request on 11 October 2018 and noted that it was experiencing delays in providing responses because it was dealing with a large backlog of requests. It issued a further holding response on 3 December 2018, apologising again for the delay, but had failed to provide a substantive response by the date of this notice.

## Scope of the case

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7. The complainant contacted the Commissioner on 4 April 2019 to complain about the failure, by the Constabulary, to respond to the request.
8. In line with her usual practice, the Commissioner contacted the Constabulary on 16 April 2019 to highlight the outstanding response. She requested that the Constabulary respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
9. The complainant contacted the Commissioner on 8 May 2019 to inform the Commissioner that a response had still not been received. The Commissioner chased this by phone and informed the Constabulary that a decision notice would be issued if a response was not forthcoming.
10. As the response to the request was still outstanding despite her intervention, the Commissioner considers that a decision notice is appropriate.
11. The scope of this notice and the following analysis is to consider whether the Constabulary has complied with section 10 of the FOIA.

## Reasons for decision

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12. 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.*

13. 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.*

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

15. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

16. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the Constabulary has breached section 10 of the FOIA.

## Right of appeal

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17. 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@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

18. 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.
19. 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**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**