

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 July 2021

Public Authority: Bedfordshire Police
Address: Bedfordshire Police HQ
Woburn Road
Kempston
Bedfordshire
MK43 9AX

Decision (including any steps ordered)

1. The complainant has made an information request to Operation Kenova. This request for information was subsequently transferred to Bedfordshire Police (BP).
2. The Commissioner's decision is that BP has failed to respond to the request for information within 20 working days and has therefore breached section 10(1) (time for compliance with the request) of the FOIA.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Issue a response, in accordance with its obligations under the FOIA, to the request.
4. The public authority 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 8 May 2021, the complainant wrote to Operation Kenova and made a request for information. The Commissioner has chosen not to outline the request for information in this notice.

6. An automatic response was issued from Operation Kenova on the same day.
7. The complainant did not receive a response to their request and so, on 17 June 2021, they chased this matter.
8. A further automatic response was issued from Operation Kenova on the same day.
9. On 22 June 2021 BP contacted the complainant and confirmed that this request for information had been received by the force on 17 June 2021. The force explained that it would provide a response by 15 July 2021.
10. On 23 June 2021 the complainant raised their concern that the receipt date of the request had been amended from 8 May 2021 to 17 June 2021.
11. BP responded on the same day and clarified that this was the date that the request for information had been referred to BP and acknowledged on its system.

Scope of the case

12. The complainant contacted the Commissioner on 22 June 2021 to complain about the way their request for information had been handled. Specifically, the complainant was concerned that BP considers the receipt date of the request to be 17 June 2021 and not 8 May 2021. The complainant was also concerned that a substantive response had yet to be provided to their request.
13. The Commissioner therefore considers the scope of her investigation to be whether BP has complied section 10.

Reasons for decision

14. Section 1(1) (general right of access to information held by public authorities) 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.

15. Section 10 time (for compliance with the request) of the FOIA states that:

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

16. Returning to the complainant's concern regarding the date of receipt, part 3 of the 'section 45 code of practice'¹ states that *'in some cases the authority to which the original request is made may consider it to be more appropriate to transfer the request to another authority.'*
17. The code of practice also states, *'Where a request or part of a request is transferred from one public authority to another, the receiving authority should comply with its obligations under Part I of the Act in the same way as it would in the case of a request that is received direct from an applicant. The time for complying with such a request should be calculated by regarding the date of transfer as the date of receipt of the request.'*
18. Whilst the complainant's concerns have been noted, the Commissioner considers the statutory timeframe for BP to respond to the request for information to be 15 July 2021.
19. On 16 July 2021 the complainant wrote to the Commissioner and highlighted that a substantive response to this request was still outstanding.
20. The Commissioner's decision is that BP has breached section 10(1) of FOIA in its handling of this request and she requires it to take the steps outlined in paragraph 3.

¹ [Secretary of State for Constitutional Affairs code of practice on the discharge of public authorities functions under part 1 of the Freedom of Information Act 2000, issued under section 45 of the act HC 33 \(publishing.service.gov.uk\)](#)

Right of appeal

21. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

22. 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.
23. 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

Alice Gradwell
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF