

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 October 2021

Public Authority: Chief Constable of South Yorkshire Police
Address: South Yorkshire Police Headquarters
Carbrook House
Carbrook Hall Road
Sheffield
S9 2EH

Decision (including any steps ordered)

1. The complainant requested information from South Yorkshire Police ("SYP") about claims received for misfeasance in public office under the 'Hillsborough Victims' Misfeasance Litigation' group action.
2. The Commissioner's decision is that SYP failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires SYP to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response to the request in accordance with its obligations under the FOIA.
4. SYP 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 22 July 2021, the complainant wrote to SYP to request information under the Freedom of Information Act in the following terms:

"Please provide the number of claims received against SYP for misfeasance in public office under what I understand is called the 'Hillsborough Victims' Misfeasance Litigation' group action begun in 2015. (If there are separate civil claims relating to Hillsborough since 2015, I would be grateful if you would identify what these are for and how many have been received) Please provide the number of claims so far settled, identifying when the first settlement was made and the most recent. Please provide the total amount so far paid out in compensation. Please provide the total amount paid to any outside solicitors and/or barristers working on behalf of SYP to defend or respond to the claims. Please identify the solicitors and/or barristers concerned. Finally, I would be grateful if you could provide any updated information of the type provided in the response in March, which set out expected legacy costs over the coming years. This may now reach a further year beyond 2023/24, if available."

6. By the date of this notice, SYP had not provided a substantive response to the request.

Scope of the case

7. The complainant contacted the Commissioner on 27 August 2021 to complain about SYP's failure to respond to the request.
8. The Commissioner contacted SYP on 24 September 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
9. The Commissioner also contacted the complainant on 24 September 2021 to explain that SYP had been given 10 working days from that date within which to provide a response to their request.
10. Despite this intervention SYP has failed to respond to the complainant.
11. The scope of this notice and the following analysis is to consider whether the SYP has complied with section 10 of the FOIA.

Reasons for decision

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 10(1) 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.*"

14. SYP did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that SYP has breached section 10 of the FOIA.

Right of appeal

15. 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

16. 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.
17. 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

Michael Lea
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