

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 October 2021

Public Authority: Chief Constable of Kent Police
Address: Police Headquarters
Sutton Road
Maidstone
ME15 9BZ

Decision (including any steps ordered)

1. The complainant requested information from the Chief Constable of Kent Police ("Kent Police") about its handling of complaints by the public about police conduct.
2. The Commissioner's decision is that Kent Police breached section 10(1) of the FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

Request and response

3. On 16 June 2021, the complainant wrote to Kent Police and requested information in the following terms:

"I am interested in the way The Professional Standards Department for Kent handles complaints from the public regarding the conduct of their police officers. Can you give me an overall number of complaints made for the past three years (including ones that weren't recorded) and percentage rate of; 1) Complaint cases closed with a recommendation of lessons needing to be learnt. 2) Complaint cases closed with a recommendation of discipline for the officer involved. 3) Complaint cases that were not recorded. 4) Complaint cases that were simply closed with no further action."

4. Kent Police responded to the request for information on 15 October 2021.

Scope of the case

5. The complainant contacted the Commissioner on 13 September 2021 to complain about Kent Police's failure to respond to their request within the statutory time frame of the FOIA.
6. The Commissioner has considered whether Kent Police has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

7. 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."

8. 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"*.
9. From the evidence provided to the Commissioner in this case, it is clear that Kent Police did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Kent Police has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

10. 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

11. 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.
12. 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
Team Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
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