

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 October 2021

Public Authority: Independent Office for Police Conduct
Address: 90 High Holborn
London
WC1V 6BH

Decision (including any steps ordered)

1. The complainant requested information about a self-referral from Staffordshire Police following a coroner's report. The Independent Office for Police Conduct ("the IOPC") eventually responded to the request, but outside the 20 working day timeframe.
2. The Commissioner's decision is that the IOPC failed to respond to the request within 20 working days and therefore breached section 10 of the FOIA.
3. As a response has now been issued, the Commissioner does not require further steps to be taken.

Request and response

4. On 4 August 2021, the complainant wrote to the IOPC and requested information in the following terms:

"Have Staffordshire Police referred themselves to the IOPC in relation to the death of Amanda Dunn as referred to in the attached Coroners Report dated the 30 July 2021?"
5. The IOPC responded to the request and disclosed the information on 22 October 2021.

Scope of the case

6. The complainant first contacted the Commissioner on 2 October 2021 to complain about the failure, by IOPC, to respond to the request.
7. Following the intervention of the Commissioner, the IOPC responded to the request, however the complainant asked the Commissioner on 27 October 2021 to issue a decision notice considering the IOPC's compliance with the FOIA.
8. The scope of this notice and the following analysis is to consider whether the IOPC has complied with section 10 of the FOIA.

Reasons for decision

9. 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.*

10. 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.*

11. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.
12. 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.*"
13. The IOPC responded to the Commissioner to say that it had contacted the complainant on 5 August 2021 to clarify whether he had any

connection with the particular case or if he wished to have his request dealt with as a Subject Access Request (SAR). As no response was received, the request was not processed until the Commissioner's intervention. The complainant denies having received this correspondence.

14. The Commissioner accepts that a public authority is entitled to seek clarification if it reasonably requires further information in order to process a request.
15. However, given the limited scope of the request and the particular nature of the information sought, the Commissioner is unclear as to why the request might reasonably have been interpreted as a SAR, or why any connection the complainant might have had to the case would have entitled him to any more, or any less, information than he ultimately received. As such, she does not need to consider whether the IOPC did or did not contact the complainant on 5 August 2021.
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 IOPC has breached section 10 of the FOIA.

Right of appeal

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: 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

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