

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 July 2022

Public Authority: Chief Constable of Greater Manchester Police
Address: GMP Headquarters
Central Park
Northampton Road
Manchester
M40 5BP

Decision (including any steps ordered)

1. The complainant made a request for information relating to the accessing of the mobile phones of individuals who are arrested without a warrant and the use of CCTV and body camera equipment. The request was made 18 October 2021 and Greater Manchester Police (GMP) have failed to provide a response.
2. The Commissioner considers that GMP has breached section 10 FOIA in the handling of this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Provide a response to the request in compliance with FOIA.
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 21 January 2022 the complainant made the following request for information under FOIA for:

"1 I am making a request in relation to Greater Manchester Police accessing mobile phone of arrested individuals in custody without a warrant:

a - can i have the guidance document OR guidelines the police follow when they access an individual in custody mobile phone data,

b - can i have the guideline OR rules the police must follow to access the mobile phone data of an arrested individual in custody without a warrant,

c - can the Greater Manchester Police share the sections of the Law they are following when the access data on a mobile phone of an arrested individual in custody, without a warrant,

2 - this request is related to CCTV footage and Body cam equipment worn by police officers,

a - can i have the guidelines OR rules with regards body camera equipment and recordings, during and after an incident. This should include what an officer should do during and after an incident with regards body camera equipment and the recordings of the events,

b - can i have guidelines OR rules the police force must follow in relation to CCTV [video and audio] recordings after an incident at a Police station and in custody

c - can i have guidance documents for the use of body camera equipment and recordings for the police force and their officers,

d - can i have guidance documents in relation to CCTV cameras operated by the police force,"

6. GMP has failed to provide a response to this request. This is despite the complainant chasing a response to the request on 8 March 2022.

Scope of the case

7. The complainant contacted the Commissioner on 2 June 2022 and asked him to investigate whether GMP had complied with section 10 FOIA in the handling of this request.
8. The Commissioner has considered whether GMP complied with section 10 FOIA in this case.

Reasons for decision

Section 10

9. Section 10(1) provides that:

“Subject to subsections (2) and (3), 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.”
10. Section 1(1) provides 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.”
11. The request was made on 18 October 2021 and GMP have failed to respond to the request. This is despite the Commissioner contacting the GMP on 11 June 2022 to remind it of its obligations under FOIA to respond to the request. The Commissioner therefore finds that GMP breached section 10(1) FOIA in failing to provide a response to this request.

Right of appeal

12. 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

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

13. 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.
14. 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.....

Gemma Garvey
Senior Case Officer

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF