

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 29 May 2014

**Public Authority:** Independent Police Complaints Commission  
**Address:** 90 High Holborn  
London  
WC1V 6BH

### **Decision (including any steps ordered)**

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1. The complainant requested information relating to an investigation carried out by the Independent Police Complaints Commission (IPCC). The IPCC failed to respond substantively to this request within 20 working days of receipt and, in so doing, breached sections 1(1) and 10(1) of the FOIA.
2. The Commissioner requires the IPCC to take the following steps to ensure compliance with the legislation.
  - Respond to the request in accordance with section 1 of the FOIA.
3. The IPCC 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**

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4. On 20 March 2014, the complainant wrote to the IPCC and requested information in the following terms:

*"As this investigation [into the death of Stephen Church in May 2011] has been concluded, I would like to ask the following:*

*Please confirm the number of Police Officers/staff who were interviewed by the IPCC during this independent investigation.*

*Please confirm the number of Medical Staff who were interviewed by the IPCC during this independent investigation.*

*What methods of investigation were used by the IPCC to reach their conclusion?*

*Please confirm that your investigation was conducted in accordance with your investigation model as shown on your website and provide details.*

*May I request copies of all statements used in this investigation and the dates that each statement was received by the IPCC."*

5. By the time of writing the IPCC had failed to respond substantively to this request.

## **Scope of the case**

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6. The complainant contacted the Commissioner on 9 May 2014 to complain about the failure by the IPCC to respond to her information request. The complainant contacted the ICO again on 16 May 2014 and confirmed that she had still to receive a response from the IPCC.

## **Reasons for decision**

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### **Sections 1 and 10**

7. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them. 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*".
8. In this case the IPCC has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days. At paragraph 2 above the IPCC is now required to respond to the complainant's request in accordance with the FOIA.

## **Other matters**

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9. As well as finding above that the IPCC is in breach of the FOIA for failing to respond to the complainant's request promptly, the Commissioner has also made a separate record of this breach. This issue may be revisited should evidence from other cases suggest that the IPCC is consistently failing to respond to requests promptly.

## Right of appeal

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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: 0300 1234504

Fax: 0116 249 4253

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: <http://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 .....**

**Jon Manners**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**