

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 01 October 2012

**Public Authority:** The Chief Constable  
**Address:** West Yorkshire Police  
Headquarters  
PO BOX 9  
Laburnam Road  
Wakefield  
WF1 3QP

### Decision (including any steps ordered)

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1. The complainant requested information relating to various crime statistics. West Yorkshire Police did not respond to the request until 58 working days after receiving it. The complainant requested that a decision notice be issued by the Information Commissioner recording the delay.
2. The Commissioner's decision is that West Yorkshire Police has breached section 10(1) but no further action is required.

### Request and response

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3. On 20 March 2012, the complainant wrote to the West Yorkshire Police and requested information in the following terms:

*"Under the Freedom of Information Act, will you please disclose, for the years 2007 to 2011 inclusive:*

*(a) How many allegations of fraud, financial, white collar, or indeed any type of crime implicating, either directly or indirectly, a member of the legal profession have been reported to the force?*

*(b) How many of these allegations were logged in police records, and assigned a crime report number?*

*(c) How many of these allegations were referred to the Solicitors' Regulation Authority, Law Society, or any other regulatory body, in lieu of a police investigation?*

*(d) How many were considered "civil matters"?*

*(e) How many investigations did the force complete as a result of these allegations?*

*(f) How many of these allegations were not investigated by the force?*

*(g) How many of these investigations were completed as paid services under the private hire of the police for the performance of special services under the 1996 Police Act provision?*

*(h) How many of these investigations resulted in charges being laid*

*i) under the normal course of police duties and ii) under private company hire for the performance of special services?*

*(i) How many resulted in convictions i) under the normal course of police duties and ii) under private company hire for the performance of special services?*

*(j) Please detail the type of crime, the year in which the allegation was made, and the year in which the investigation was completed.*

*(k) Please advise how many police staff have qualifications in forensic accounting, and what those qualifications are.*

*(l) Please advise how many times private contractors have been hired by the force for the purpose of forensic accounting work during a fraud/white collar crime investigation.*

*(m) How many of these allegations have culminated in charges being laid against the complainant as a vexatious litigant?*

*(n) How many of these allegations have resulted in arrest warrants being issued against the complainant?"*

4. On 19 June 2012 West Yorkshire Police provided a response to the request.

5. The complainant did not seek an internal review of the response.
6. Although the complainant had received a response from West Yorkshire Police she was dissatisfied with the delay in responding to the request and so contacted the Information Commissioner.
7. The Information Commissioner contacted West Yorkshire Police to ascertain whether there was any reason for the delay in providing a response to the request.
8. Following correspondence with the complainant she requested that the Information Commissioner issue a decision notice specifically on the delay in West Yorkshire Police's response to her request.

### **Scope of the case**

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9. The complainant contacted the Information Commissioner to complain about the delay in the handling of her request. She asked the Information Commissioner to consider taking disciplinary action against West Yorkshire Police.
10. On 5 September 2012 the Information Commissioner wrote to the complainant to explain that when considering complaints about delayed or failed responses to information requests the priority is to ensure requesters receive a response as quickly as possible (where one has not been provided) and to monitor any persistent trends which might indicate that a public authority was routinely failing to respond within the statutory 20 working days permitted under section 10 of the Freedom of Information Act.
11. The Information Commissioner explained that he monitors complaints where a serious contravention of section 10 is recorded and where persistent contraventions occur he will consider placing a public authority on his monitoring programme. He provided the following link for information:  
  
[http://www.ico.gov.uk/what\\_we\\_cover/promoting\\_openness/monitoring\\_compliance.aspx](http://www.ico.gov.uk/what_we_cover/promoting_openness/monitoring_compliance.aspx)
12. He also explained that he does not need to serve a decision notice in an individual case in order to use that case as evidence for future enforcement action. However, should a complainant request the Information Commissioner to issue a decision notice for a specific complaint he would do so.

13. In his instance the complainant requested that the Information Commissioner issue a decision notice in her case.
14. The scope of the Information Commissioner's investigation is therefore to consider whether there has been a breach of section 10(1) by West Yorkshire Police in its response to the complainant's request.

## Reasons for decision

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15. Section 10(1) of the FOIA provides:

*"...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."*

16. West Yorkshire Police told the Information Commissioner that it accepted that there had been a delay in handling the request. It said that this was due largely to pressure of workload because it had experienced staffing issues within the department which dealt with FOIA requests. It also told the Information Commissioner that due to the nature of the request it had to consult several other departments to determine what information was held within the scope of the request and to extract that information. It accepted that this was not an excuse for the delay in handling the request and that it was making efforts to resolve the issues and improve its service.
17. West Yorkshire Police also told the Information Commissioner that it had contacted the complainant on a number of occasions to apologise for the delay.
18. The Information Commissioner notes that West Yorkshire Police provided a response on 19 June 2012, which is a timescale of 58 working days and well over the 20 working days allowed.
19. The Information Commissioner has therefore recorded a breach of section 10(1) of FOIA and has ensured that the details of the case have been recorded by his enforcement team for future monitoring purposes.

## Right of appeal

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20. 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: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

21. 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.
22. 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**