

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 April 2014

Public Authority: Chief Constable of West Midlands Police
Address: Police Headquarters
Lloyd House
Colmore Circus
Birmingham
B4 6NQ

Decision (including any steps ordered)

1. The complainant has requested information connected to mobile ID units and portable fingerprint units. Having acknowledged the request, it took West Midlands Police ("WMP") over nine months to provide a response. The Commissioner finds that this was in breach of the FOIA. However, as the complainant was satisfied with the content of the response the Commissioner requires no further steps.

Request and response

2. On 1 February 2013, the complainant wrote to WMP and requested information in the following terms:

"This is a request under the Freedom of Information act, I'd like to request disclosure of the following:

1. *Copies of all documents, manuals, training material, guidance etc relating to MobileID units and any other portable fingerprint readers used by the force*
2. *Details of the costs of the introduction of the units within the force, and the costs of any trial.*
3. *Details of the number of persons whose fingerprints have been read using the machines*
4. *Details of the number of persons arrested based on fingerprint checks, and the number of persons checked using them but no crime detected*

5. A copy of your guidance/policy for data retention & deletion relating to the devices

6. Details of the number and nature of any complaints and/or legal claims made to West Midlands police relating to the use of the devices

7. Breakdown of circumstances of use of the machines (how many scans were done after an arrest/detection of separate offence, how many done to assert identity based on suspicion but with no other offence detected etc)

I'd like to request this information in electronic format, PDF and XLS preferred, and to be broken down by borough and division.

If there any queries then please feel free to give me a ring".

3. WMP acknowledged the request on 4 February 2013.
4. There was no further contact made until 11 November 2013 when WMP issued its response.

Scope of the case

5. The complainant contacted the Commissioner on 2 March 2014 to complain about the delay in receiving a response.

Reasons for decision

6. Section 10(1) of FOIA provides that a public authority should comply with section 1(1) within 20 working days. Section 1(1)(a) initially requires a public authority in receipt of a request to confirm whether it holds the requested information.
7. The request was submitted on 1 February 2013 and the complainant did not receive a response until 11 November 2013. The Commissioner therefore finds that the public authority has breached section 10(1) by failing to comply with section 1(1)(a) within the statutory time period.

Right of appeal

8. 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

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

9. 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.
10. 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
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