

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 August 2015

Public Authority: Chief Constable of Essex Police
Address: Essex Police Headquarters
PO Box 2
Springfield
Chelmsford
Essex
CM2 6DA

Decision (including any steps ordered)

1. The complainant requested information relating to GATSO traffic light apparatus.
2. Essex Police failed to respond to this request for information and the Commissioner's decision is that in doing so Essex Police breached sections 1(1) and 10(1) of the FOIA.
3. The Commissioner requires Essex Police to take the following steps to ensure compliance with the legislation.
 - Respond to the request.
4. Essex Police 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 20 April 2015, the complainant wrote to Essex Police and requested the following information about a specified device:

"1. The date of last calibration and procession data thereto

2. Dates and nature of any adjustments or repairs or functionality of the device between May 2014 and 6 March 2015

3. The number of complaints by motorists in connection with this device:

a. Since its inception and;

b. Between May 2014 and March 2015.

These include complaints per se as well as specific complaints that may be construed from motorists facing prosecution when their defence relied on the accuracy of the subject device.

4. The date that the specific device in operation on 10th May 2014, was put into service

5. Details of the relevant independent calibration authority; and

6. A copy of the calibration certificate."

6. At the time of writing Essex Police had failed to respond substantively to the request.

Scope of the case

7. The complainant contacted the Commissioner on 21 June 2015 to complain about the failure of Essex Police to respond to his request.

Reasons for decision

8. 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.

9. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".

10. In this case Essex Police has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days.

Right of appeal

11. 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@hmcts.gsi.gov.uk

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

12. 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.
13. 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