

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 December 2015

Public Authority: Chief Constable of Sussex Police
Address: Police Headquarters
1 Malling House
Church Lane
Lewes
BN7 2DZ

Decision (including any steps ordered)

1. The complainant has requested from the Sussex Police force a 2005 review of a murder investigation by a named officer together with copies of relevant correspondence. The Commissioner's decision is that the force has failed to respond substantively to this request and the Commissioner finds that, in so doing, it breached sections 1(1) and 10(1) of the FOIA.
2. The Commissioner requires the force to respond to the request to ensure compliance with the legislation.
3. The public authority must take this step 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

4. On 5 June 2015, the complainant wrote to Sussex Police and requested information in the following terms:

Please provide copies of all information showing the assessment/s made following a review carried out by [named officer, officer A] into the murder of Vishal Mehrotra.

Officer A's review was dated January 20, 2005.

Sussex Police informed me on May 14, 2015, that 'the 2005 Review was fully assessed by senior officers'.

My request is for all information showing what assessment was made, who was involved and what decision/s were made.

This includes information showing what assessments were made in relation to potential considerations outlined by Officer A.

This includes copies of all communications and correspondence involving the senior officers, including [named senior officer, officer B], about this case/review. By 'involving' I mean sent and received by, including 'copied in' communications and correspondence.

This also includes copies of any minutes, including Gold Groups, where the review was discussed.

5. At the time of writing, despite frequent reminders from the complainant, and from the Information Commissioner's staff on his behalf, the force has failed to respond substantively to this information request.

Scope of the case

6. The complainant contacted the Commissioner on 9 September 2015 to complain about the failure of the force to respond to his information request.

Reasons for decision

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 force has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days. At paragraph 2 above the force is now required to respond to the complainant's request in accordance with FOIA.

Other matters

9. As well as the finding above that the force has breached the FOIA in this case, a record has been made of the failure to respond to the complainant's information request and this issue may be revisited in future enforcement action.

Right of appeal

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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: 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 35 (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