

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 January 2016

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 requested a detailed break-down of the vehicle fleet list operated by West Midlands Police ("the Constabulary"). Although the Constabulary disclosed the requested information, it failed to do so within the statutory timeframe of 20 working days from receipt of the request.
2. The Commissioner's decision is therefore that the Constabulary has breached section 10(1) of the FOIA. The Commissioner requires no steps to be taken.

Request and response

3. On 22 July 2015, the complainant submitted the following request for information via the What Do they Know ("WDTK") website¹, a website for submitting and archiving FOIA requests:

"Could you provide me with a complete Fleet List for all of your marked police vehicles;

¹ <https://www.whatdotheyknow.com/>

Please could you also state for each vehicle;

- Vehicle Make & Model*
- Role (IE: SNT, Beat, Patrol, CCTV, ETC.)*
- Station it's based at*
- Registration Plate*
- Internal Fleet Number / Designation*
- Whether a camera system is fitted (if so, what type, CCTV, ProVida ETC)"*

4. The Constabulary responded on 21 September 2015. It stated that it did not hold recorded information on the type of camera systems it used, but that it believed the majority were ProVida systems. It disclosed the remaining information and apologised for the delay in responding to the request.

Scope of the case

5. The complainant contacted the Commissioner on 15 September 2015 to complain that despite twice contacting the Constabulary, he had not received a response to his request.
6. By the time the Commissioner commenced his investigation the Constabulary had responded to the complainant. The Commissioner notes that the complainant has not challenged the substance of its response. However, he notes that the complainant commented, via an annotation on the WDTK website dated 18 October 2015, that the Constabulary had breached section 10(1). The Commissioner has therefore considered the Constabulary's late response.

Reasons for decision

7. Section 1 of FOIA states that:

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

8. Section 10 of the FOIA states that:

"...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."

9. The Constabulary received a valid request for information on 22 July 2015, and despite the complainant twice chasing up the request, it did not provide a response until 21 September 2015, 43 working days later.
10. The Constabulary has apologised to the complainant for the delayed response. Nevertheless, by failing to respond within 20 working days, the Constabulary breached section 10(1) of the FOIA.

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: 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

Samantha Bracegirdle
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF