

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 October 2018

Public Authority: Chief Constable of Sussex Police

Address: Sussex Police Headquarters

Malling House

Lewes

Sussex

BN7 2DZ

Decision (including any steps ordered)

1. The complainant has requested statistics on roadside breath tests for suspected drunken driving, including the reason for the stop and results of the breath test. The complainant also requested meeting minutes relating to Love Supreme Jazz Festival.
2. The Commissioner's decision is that Sussex Police has breached section 10(1) of the FOIA in that it failed to provide a valid response to the requests within the statutory time frame of 20 working days.
3. The Commissioner requires Sussex Police to take the following steps to ensure compliance with the legislation.
 - Sussex Police must issue a substantive response to both requests in accordance with its obligations under the FOIA.
4. Sussex Police 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

5. On 17 April 2018, the complainant wrote to Sussex Police and requested information in the following terms:

"Can you please supply statistics on Roadside Breath tests in your area for suspected drunken driving.

Month by month in last year April - March , reason for stop, results (ie those over those under or such bands as you may have.)

reasons for stop - can you include those vehicles/drivers reported by members of public?

(Can you define the area?) If you split into East and West Sussex can I have both?

For example:

Jan

stopped because of member of public report : x passed y failed z

stopped for erratic driving x1 y1 z1

stopped for vehicle problem etc etc

random stop

Feb

March"

6. Sussex Police responded on 19 April 2018 and acknowledged receipt of this request.

7. The complainant wrote to Sussex Police again on 7 August 2018 and submitted a separate request in the following terms:

"I enclose the agenda for a meeting at 9.30 at Southover house 20/4/18 concerning the arrangements for love supreme.

Can you confirm whether you attended and if so can I have the minutes please?"

8. Sussex Police responded on 7 August 2018 and acknowledged receipt of this request.

9. The complainant wrote to Sussex Police to obtain an update on both requests on 23 August, 6 September, and 11 September 2018. Sussex Police did not respond to this correspondence and to date, a substantive response has not been provided for either request.

Scope of the case

10. The complainant contacted the Commissioner on 12 September 2018 to complain about Sussex Police's failure to respond to his information requests.
11. On 28 September 2018 the Commissioner wrote to Sussex Police, reminding it of its responsibilities and asking it to provide substantive responses to the requests within 10 working days.
12. Sussex Police confirmed receipt of the Commissioner's correspondence on 28 September 2018.
13. Despite this intervention Sussex Police has failed to respond to either request.

Reasons for decision

14. Section 1(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."

15. 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."*
16. From the evidence provided to the Commissioner in this case, it is clear that Sussex Police did not deal with the requests for information in accordance with the FOIA. The Commissioner finds that Sussex Police has breached section 10(1) by failing to respond to the requests within 20 working days and it is now required to respond to the requests in accordance with the FOIA.

Right of appeal

17. 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

18. 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.
19. 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

Ben Tomes
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF