

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 8 July 2019

**Public Authority:** Tyne & Wear Fire & Rescue Service  
**Address:** Headquarters  
Nissan Way  
Sunderland  
Tyne and Wear  
SR5 3QY

#### **Decision (including any steps ordered)**

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1. The complainant has requested information about all vehicles currently operated by Tyne & Wear Fire & Rescue Service (TWFRS) that are owned, leased and rented.
2. The Commissioner's decision is that TWFRS failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires TWFRS to take the following steps to ensure compliance with the legislation.
  - TWFRS must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. TWFRS 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**

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5. On 3 February 2019, the complainant wrote to TWFRS and requested information in the following terms:

*"Please can I have a current fleet list of all vehicles currently operated by Tyne & Wear Fire & Rescue Service that are owned, leased and rented.*

*For each vehicle please provide the following:*

*Registration Number;  
Fleet Number;  
Make and mode e.g. Ford Transit;  
What the vehicle is used for;  
Date the vehicle entered service with you and  
Where the vehicle is usually based."*

6. TWFRS acknowledged the request on 26 March 2019. To date, a substantive response has not been issued.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 28 May 2019 to complain about the way his request for information had been handled.
8. The Commissioner has considered whether TWFRS has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

### **Reasons for decision**

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9. Section 1(1) of the 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."*

10. 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"*.
11. On 12 June 2019 the Commissioner wrote to TWFRS, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.

12. Despite this intervention TWFRS has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that TWFRS did not deal with the request for information in accordance with the FOIA. The Commissioner finds that TWFRS has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

## Right of appeal

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14. 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@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

15. 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.
16. 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**