

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 February 2021

Public Authority: Chief Constable West Yorkshire Police
Address: PO Box 9
Laburnum Road
Wakefield
WF1 3QP

Decision (including any steps ordered)

1. The complainant requested information relating to the timing of freedom of information requests processed by West Yorkshire Police during a specified timeframe.
2. The Commissioner's decision is that West Yorkshire Police failed to respond to the request within 20 working days and therefore breached section 10(1) (time for compliance with request) of the FOIA.
3. As the response has been provided, the Commissioner does not require West Yorkshire Police to take any steps in relation to this decision notice.

Request and response

4. On 14 April 2020, following earlier correspondence, the complainant wrote to West Yorkshire Police and requested information in the following terms:

"It now appears appropriate and convenient to please raise here, a fresh FOI request for the timing related to all FOI requests processed by WYP [West Yorkshire Police] in the period from 1st June 2014 to today, 20th April 2020.

For each FOI request and associated linked IR request, I would simply like to know the date the request was made, the date the

response was supplied, whether any IR was carried out and if so, when that final IR response was communicated. Finally, I would like to know the status of the outcome of each FOI request, linking together which case was escalated to the ICO, further to the IRT, or to any other legal arena, all with relevant dates please, reference numbers and outcomes.

Please ensure the data is accurate and is provided in excel editable format".

5. West Yorkshire Police responded by email on 18 June 2020, albeit attaching a letter dated 14 May 2020. It provided the requested information.
6. The complainant requested an internal review on 1 July 2020.
7. Following an internal review, West Yorkshire Police wrote to him on 9 September 2020, maintaining its original position.

Scope of the case

8. Following earlier correspondence, on 9 September 2020 the complainant provided the Commissioner with the necessary documentation to support his complaint about the way his request for information had been handled.
9. The complainant was dissatisfied with various aspects of West Yorkshire Police's handling of his request for information.
10. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part I of the Freedom of Information Act 2000 (FOIA).
11. The Commissioner acknowledges that the complainant disputes the accuracy of the information that West Yorkshire Police provided. She recognises that he went to some considerable effort to highlight the discrepancies in the information disclosed to him, providing her with various reports and spreadsheets in that regard.
12. However, a public authority will have complied with their obligations under the FOIA where they have provided the recorded information that they hold in relation to a request, irrespective of whether this information is accurate or not. The Commissioner cannot assess the accuracy of information published on a website or disclosed in response to a request.

13. The complainant also raised other matters, relating to the number of entries published on West Yorkshire's FOI disclosure webpage, which the Commissioner considers do not fall within the scope of his request.
14. With respect to the concerns raised by the complainant which are the subject matter of this decision notice, the analysis below considers whether West Yorkshire Police complied with section 10 (time for compliance with request) of the FOIA.

Reasons for decision

15. 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.
16. Section 10(1) of the FOIA provides 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.
17. The request in this case was submitted on 14 April 2020. However, it was not until 18 June 2020 that West Yorkshire Police provided its substantive response.
18. The Commissioner therefore finds that West Yorkshire Police breached section 10(1) of the FOIA by failing to comply with section 1(1) of the FOIA within the statutory time period.

Other matters

Timeliness of internal review

19. The Commissioner cannot consider the amount of time it took a public authority to complete an internal review in a decision notice because such matters are not a formal requirement of the FOIA. Rather, they are matters of good practice which are addressed in the code of practice issued under section 45 of the FOIA. However, the Commissioner has issued guidance in which she has stated that internal reviews should take no longer than 20 working days to complete, and even in exceptional circumstances the total time taken should not exceed 40 working days.
20. The Commissioner expects West Yorkshire Police to ensure that the internal reviews it handles in the future adhere to the timescales she has set out in her guidance.

Correcting the data held by West Yorkshire Police

21. The Commissioner is mindful that the complainant considers that West Yorkshire Police should take steps to correct the inaccuracies he identified in the information it provided.
22. The Commissioner explained to the complainant that the rules and exemptions relating to the disclosure of public information to the world at large, under the FOIA, are different to those relating to the UK General Data Protection Regulations (UK GDPR) that govern personal data. UK GDPR places an obligation on data controllers to ensure that the personal data they hold is accurate and up to date. There is no equivalent or similar right or obligation under the FOIA.
23. She advised him that, if he is concerned about the accuracy of personal data West Yorkshire Police hold about him, he can ask for it to be corrected or deleted. This is known as the 'right to rectification'¹.

¹ <https://ico.org.uk/your-data-matters/your-right-to-get-your-data-corrected/>

Right of appeal

24. 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

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

25. 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.
26. 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

Laura Tomkinson
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SK9 5AF