

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 January 2021

Public Authority: Chief Constable of Hampshire Constabulary
Address: Police Headquarters
Romsey Road
Winchester
Hampshire
SO22 5DB

Decision (including any steps ordered)

1. The complainant requested information, in a multi-part request, relating to complaints/allegations made against Hampshire Constabulary, including against the Chief Constable, and the associated correspondence and actions taken.
2. Hampshire Constabulary provided some relevant information but refused to provide the remainder, citing section 12(1) (cost of compliance) of the FOIA.
3. The Commissioner's decision is that Hampshire Constabulary correctly applied section 12(1) of the FOIA.
4. The Commissioner requires no steps to be taken as a result of this decision.

Request and response

5. On 8 January 2020, the complainant wrote to Hampshire Constabulary and requested information in the following terms:

"For the year ended 31 December 2019, please provide the following information:

- 1. The number of complaints/allegations made against Hampshire Constabulary (HC) by the general public.*
 - 2. Hard copy of the complaints/allegations received by HC.*
 - 3. Hard copy of the detailed correspondence/responses/actions taken by HC in response to the above complaints/allegations.*
 - 4. The number of complaints/allegations made against the Chief Constable*
 - 5. Hard copy of all correspondence exchanged between Chief Constable and the Hampshire Police and Crime Commissioner [HPCC], in respect of the above complaints/allegations and responses to the claimants.*
 - 6. Hard copies/lists/summary of the disciplinary actions taken by you and your staff in respect of the complaints/allegations received by you, including the responses to the complainants.*
 - 7. Hard copies of all meeting minutes between you and the HPCC, which are relevant to the complaints/allegations made against HC”.*
6. Hampshire Constabulary responded on 6 February 2020. It told the complainant that there were over 679 complaints in 2019. It said that the information he had requested was not held in a retrievable format. It cited the cost of compliance exemption as its reason for refusing the request, explaining that to locate and print those complaints would exceed the cost limit of £450.
 7. It did, however, advise that he may wish to refer his request to the Hampshire Police and Crime Commissioner as they process complaints against the Chief Constable.
 8. Following an internal review, Hampshire Constabulary wrote to the complainant on 12 March 2020, maintaining its original position.

Scope of the case

9. The complainant contacted the Commissioner on 31 March 2020 to complain about the way his request for information had been handled. He disputed that it would exceed the cost of compliance to provide the requested information. He was also dissatisfied that Hampshire Constabulary had failed to provide a specific explanation or calculation to justify its refusal to provide the requested information on cost grounds.

10. The analysis below considers Hampshire Constabulary's application of section 12(1) of the FOIA to the requested information.

Reasons for decision

Section 12 cost of compliance exceeds appropriate limit

11. Section 12(1) of the FOIA states that:

"Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit".

12. This limit is set in the fees regulations at £600 for central government departments and £450 for all other public authorities. The fees regulations also specify that the cost of complying with a request must be calculated at the rate of £25 per hour, meaning that section 12(1) effectively imposes a time limit of 18 hours in this case.

13. In correspondence with the Commissioner, Hampshire Constabulary described the request in this case as being '*very similar*' to a previous request for information which the Commissioner had considered. Hampshire Constabulary told the Commissioner:

*"...but this specific request goes one step further. The applicant has requested all of the **detailed correspondence** held on each complaint case".*

14. In this case, Hampshire Constabulary told the Commissioner that it considered that the cost regulations "*are firmly engaged*" due to the volumes held.
15. In support of that view, Hampshire Constabulary estimated that to comply with the request would be likely to take in excess of one hour per complaint to extract all of the material required.

Would complying with the request exceed the appropriate limit?

16. The Commissioner acknowledges that Hampshire Constabulary told the complainant that there were over 679 complaints in 2019.
17. She is also mindful of her decision regarding Hampshire Constabulary's handling of a similar request for information. The request in that case related to complaints/allegations involving Hampshire Constabulary,

including the Chief Constable, in 2018. The Commissioner's decision in that case was issued on 26 May 2020¹.

18. Having considered the scope of the request in this case, the Commissioner is satisfied that the similarity between the two cases is such that she is able to reach the same decision about the cost of compliance without the need for further analysis.

¹ <https://ico.org.uk/media/action-weve-taken/decision-notice/2020/2617802/fs50898774.pdf>

Right of appeal

19. 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

20. 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.
21. 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

Carolyn Howes
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
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SK9 5AF