

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 February 2021

Public Authority: Chief Constable of Sussex Police
Address: Sussex Police Headquarters
Malling House
Church Lane
Lewes
East Sussex
BN7 2DZ

Decision (including any steps ordered)

1. The complainant requested information from the Sussex Police about drone/UAV related calls received by Sussex Police between January and June 2020 as well as fines issued to drone operators in the same period. Sussex Police had failed to provide a substantive response by the date of this notice.
2. The Commissioner's decision is that Sussex Police failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires Sussex Police to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to the request.
4. Sussex Police must take these steps 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 7 August 2020, the complainant wrote to Sussex Police and requested information in the following terms:

"For the period 1st January 2020 to 30th June 2020 can you please tell me how many drone/UAV related calls per month have been received and logged by Sussex Police, with a breakdown of the specific nature of each call.

I have made several similar requests for the same data for the periods 1st July 2019 - 31st December 2019; 1st January - 31st March 2018; 1st July 2018 - 31st December 2018, but despite several emails I sent chasing up I never received a response.

Also, for the period 1st January 2020 to 30th June 2020 can you tell me how many drone operators were fined under ANO 94D for failing to register their drone, and under ANO 94F how many drone pilots were fined for not obtaining the necessary competency acknowledgement from the CAA."

6. Sussex Police acknowledged the request on 11 August 2020 but had failed to provide a substantive response by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner on 27 December 2020 to complain about the failure, by Sussex Police, to respond to the request.
8. In line with her usual practice, the Commissioner contacted Sussex Police on 22 January 2021 to highlight the outstanding response. She requested that Sussex Police respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
9. The scope of this notice and the following analysis is to consider whether Sussex Police has complied with section 10 of the FOIA.

Reasons for decision

10. 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.*

11. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) *is in writing,*
 - (b) *states the name of the applicant and an address for correspondence, and*
 - (c) *describes the information requested.*
12. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.
13. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
14. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, Sussex Police has breached section 10 of the FOIA.

Right of appeal

15. 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

16. 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.
17. 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
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