

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 May 2022

Public Authority: Chief Constable of South Yorkshire Police

Address: Carbrook Park
Carbrook Hall Road
Sheffield
South Yorkshire
S9 2EH

Decision (including any steps ordered)

1. The complainant requested information from South Yorkshire Police ("SYP") about policies and training relating to section 135(1) warrants. By the date of this notice SYP had not issued a substantive response to this request.
2. The Commissioner's decision is that SYP has breached section 10 of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires SYP to take the following step to ensure compliance with the legislation.
 - SYP must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. SYP 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 25 February 2022, the complainant wrote to SYP and requested information in the following terms:

"I have now had an opportunity to read the Code of Practice and it states (CoP 30) that

Local authorities, NHS commissioners, hospitals, police forces and ambulance services should have local partnership arrangements in place to deal with people experiencing mental health crises.

[...]

Q1 Can you please let me have details of that joint policy as it was in effect on 5 January. I am asking the same question of all the other agencies but I am specifically seeking your position on this."

6. To date, a substantive response to the request has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 6 April 2022 to complain about SYP's failure to respond to their request.
8. The Commissioner has considered whether SYP has complied with its obligations in relation to the time for compliance at section 10 of the FOIA.

Reasons for decision

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 19 April 2022 the Commissioner wrote to SYP, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.
12. Despite this intervention SYP has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that SYP did not deal with the request for information in accordance with the FOIA. The Commissioner finds that SYP has breached section 10 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

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: 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

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