

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

### **Decision notice**

**Date:** 19 January 2022

**Public Authority:** Chief Constable of Greater Manchester Police

**Address:** GMP Headquarters  
Central Park  
Northampton Road  
Manchester  
M40 5BP

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

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1. The complainant requested information relating to the performance of a specific Officer and also of the call handling centre of the force. By the date of this notice, Greater Manchester Police (GMP) had not issued a substantive response to this request.
2. The Commissioner's decision is that GMP has breached section 10(1) 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 GMP to take the following step to ensure compliance with the legislation.
  - GMP must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. GMP 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 2 October 2021, the complainant wrote to GMP and requested information in the following terms:

"XX[redacted]XX

I have read the recent publication regarding HMI and it states that people are being put at risk because:

"The force fails to adequately and regularly reassess this volume of calls to prioritise the most vulnerable,"

I understand XX[redacted]XX, I ask (under FOI) for the following:

1/ The annual appraisals of XX[redacted]XX

2/ The minutes of any meetings at Chief Officer level whereby the Poor performance of the call handling and/or the failure of XX[redacted]XX was discussed.

3/ All e mail correspondence between XX[redacted]XX and the recently removed XX[redacted]XX

Thank you."

## Scope of the case

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6. The complainant contacted the Commissioner on 23 November 2021, to complain about GMP's failure to respond to their request.
7. The Commissioner then wrote to GMP on 1 December 2021, asking it to respond to the request within 10 working days.
8. On 15 December 2021, GMP contacted the complainant seeking clarification as to a timeframe for the information requested. The complainant responded the same day to provide the clarification requested. GMP were therefore obliged to respond to the clarified request within 20 working days.
9. The Commissioner has considered whether GMP 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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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 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".

12. From the evidence provided to the Commissioner in this case, it is clear that GMP did not deal with the request for information in accordance with the FOIA. The Commissioner finds that GMP has breached section 10(1) by failing to respond to the clarified 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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13. 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](mailto:grc@justice.gov.uk)

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

14. 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.
15. 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**