

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 31 March 2022

Public Authority: Chief Constable of Surrey Police
Address: PO Box 101
Guildford
Surrey
GU1 9PE

Decision (including any steps ordered)

1. The complainant requested information from the Chief Constable of Surrey Police ("Surrey Police") relating to investigations into misconduct. By the date of this notice Surrey Police had not issued a substantive response to this request.
2. The Commissioner's decision is that Surrey Police 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 Surrey Police to take the following step to ensure compliance with the legislation.
 - Surrey Police must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. Surrey Police 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 21 December 2021, the complainant wrote to Surrey Police to request information. As the complainant submitted their request using Surrey Police's online form, they have been unable to provide the Commissioner with a copy of their request. However, the complainant has provided the Commissioner with the following summary of the information they requested:

"Outcomes and brief synopsis of circumstances including breaches from misconduct investigations held between April 2019 – November 2021."

6. Surrey Police wrote to the complainant on 21 December 2021 to acknowledge the request. By the date of this notice, Surrey Police has not provided the complainant a response to their request.

Scope of the case

7. The complainant contacted the Commissioner on 8 February 2022 to complain about Surrey Police's failure to respond to their request.
8. The Commissioner has considered whether Surrey Police has complied with its obligations in relation to the time for compliance at section 10(1) 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 9 March 2022 the Commissioner wrote to Surrey Police, 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, Surrey Police has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that Surrey Police did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Surrey Police has breached section 10(1) 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
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