

## Freedom of Information Act 2000 (FOIA)

### Decision Notice

**Date:** 24 January 2012

**Public Authority:** The Police Ombudsman for Northern Ireland  
**Address:** New Cathedral Buildings  
St Anne's Square  
11 Church St  
Belfast  
BT1 1PG

#### Decision (including any steps ordered)

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1. The complainant requested a timeline of an investigation carried out by the Police Ombudsman for Northern Ireland (PONI). PONI initially refused the request under section 44 of the Act, but released the information following an internal review.
2. The Commissioner's decision is that PONI failed to comply with section 10(1) of the Act in that it failed to provide the requested information to the complainant within the statutory time for compliance. However, as the information has now been provided the Commissioner does not require any steps to be taken.

#### Request and response

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3. On 19 June 2011, the complainant requested the following information from PONI:

*"Following a meeting with Mr Murphy in relation to this report*

*[http://www.policeombudsman.org/modules/investigation\\_reports/index.cfm/report\\_id/236](http://www.policeombudsman.org/modules/investigation_reports/index.cfm/report_id/236)*

*I would like a full time line in relation to the Police Ombudsman's investigation into this report".*

4. PONI responded on 7 July 2011. It stated that the requested information was exempt under section 44 of the Act. This exemption applies where

there is a statutory prohibition on disclosure. PONI cited section 63 of the Police (Northern Ireland) Act 1998 as providing such a prohibition.

5. Following an internal review PONI wrote to the complainant on 9 December 2011. At this stage PONI disclosed the requested information to the complainant.

### **Scope of the case**

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6. The complainant contacted the Commissioner to complain about the way his request for information had been handled. In particular the complainant was unhappy at the time taken by PONI to conduct the internal review.
7. The Act does not require internal reviews to be carried out within any statutory timescale. A public authority's conduct of an internal review is not a Part 1 requirement and is dealt with at Other Matters below. Therefore this Decision Notice deals solely with the time taken to provide the complainant with the requested information.

### **Reasons for decision**

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#### **Section 10(1): time for compliance**

8. Section 10 of the Act states that a public authority must comply with section 1(1) promptly and in any event not later than twenty working days after the request has been received.
9. As PONI has accepted that the requested information is not exempt, it should have provided this information to the complainant at the time he submitted his request. PONI's failure to do this constitutes a breach of section 10(1) of the Act.

### **Other matters**

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10. Although it does not form part of this Decision Notice the Commissioner wishes to highlight the following matter of concern:

#### **The internal review**

11. The Commissioner has considered the time taken by PONI to conduct an internal review. Paragraph 39 of the Code of Practice issued under section 45 of the Act advises that a complaints procedure should be

designed to allow prompt determination of complaints. In addition, the Commissioner's published guidance sets out his view that that a reasonable time for completing an internal review is 20 working days from the date of the request for review<sup>1</sup>. There may be a small number of cases which involve exceptional circumstances where it may be reasonable to take longer, but in no case should the total time taken exceed 40 working days.

12. In this case the Commissioner notes that PONI took five months to conduct the internal review, which clearly exceeds the timescale recommended above.

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[http://www.ico.gov.uk/for\\_organisations/guidance\\_index/~/\\_media/documents/library/Freedom\\_of\\_Information/Detailed\\_specialist\\_guides/TIME\\_LIMITS\\_INTERNAL\\_REVIEWS.ashx](http://www.ico.gov.uk/for_organisations/guidance_index/~/_media/documents/library/Freedom_of_Information/Detailed_specialist_guides/TIME_LIMITS_INTERNAL_REVIEWS.ashx)

## 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: 0300 1234504

Fax: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

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 .....

**Alexander Ganotis**  
**Group Manager – Complaints Resolution**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**