

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

### **Decision notice**

**Date:** 10 January 2013

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

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

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1. The complainant has requested information about racist crimes; to date he has not received a substantive response. The Information Commissioner's decision is that the public authority has failed to provide a response to the request within the statutory time frame of 20 working days. He requires it to comply with the request or issue a valid refusal notice as set out in section 17 of the FOIA.
2. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Information 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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3. On 11 January 2012, the complainant wrote to the public authority and requested information in the following terms:

*"We are given to understand that the mechanisms for the reporting of racist crimes and racist incidents perpetrated against Gypsies and Travellers are not effective and that as a result many such crimes and / or incidents are going unreported.*

*We therefore make a formal request under the Freedom of Information Act for the following information.*

1. *Over the most recent 21 month period for which you are able to provide statistics how many racist hate crimes were reported in Sussex?*
2. *During this period how many of these were reported by or on behalf of Gypsies and Travellers?*
3. *May we please have the same breakdown in respect of reported racist incidents?*

*We look forward to receiving this information”.*

4. The public authority acknowledged the response but, despite chaser emails sent by the complainant on 15 February 2012, 28 February 2012, 21 March 2012, 19 March 2012 and 2 April 2012, it did not issue a response.
5. On 16 April 2012 the complainant made a complaint to the public authority about the lack of response. A response to this was also chased on 30 April 2012 and 11 May 2012, but to no avail.
6. On 25 May 2012 he complained directly to the Chief Constable. This was acknowledged on 28 May 2012.
7. On 12 July 2012 the complainant was advised that the public authority would, hopefully, send him the information by the end of week commencing 16 July 2012.
8. Despite chasing a response again, nothing was received.
9. The complainant wrote to the Information Commissioner on 17 September 2012.
10. The Information Commissioner wrote to the public authority on 2 November 2012 asking that it issue a response to the complainant. To date no such response has been forthcoming.

### **Scope of the case**

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11. On 9 January 2013 the Information Commissioner agreed with the complainant that he would formally deal with the public authority's lack of response.

## **Reasons for decision**

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12. The Information Commissioner considered whether the public authority has responded to the request of 11 January 2011 in line with the provisions of the FOIA.
13. Despite the intervention of the Information Commissioner, the public authority has not responded to the complainant's request for information or conducted an internal review.
14. Section 10(1) of the FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
15. From the information provided to the Information Commissioner in this case it is evident that the public authority did not respond to the complainant within the statutory time frame and so it is in breach of section 10(1) of the FOIA.

## Right of appeal

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16. 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)

17. 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.
18. 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**