

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 July 2012

Public Authority: Chief Constable of Gwent Police
Address: Gwent Police Headquarters
Croesyceiliog
Cwmbrân
NP44 2XJ

Decision (including any steps ordered)

1. The complainant requested information about white collar crime. Gwent Police refused the request under section 12 of the FOIA. The complainant refined her request to statistics that Gwent Police provide to the Home Office about the types of crime. The complainant has not received a substantive response to this refined request. The Commissioner's decision is that Gwent Police failed to respond to the request and therefore breached its obligations under section 10 of the FOIA. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - State what information it holds within the scope of the complainant's request; and
 - communicate the information it holds to the complainant and/or issue a refusal notice in respect of all or the parts of the information it intends to withhold in accordance with 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 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

3. On 27 March 2012, the complainant wrote to Gwent Police and requested information in the following terms:

"Under the Freedom of Information Act provision, will you please supply me with the following information:

(a) How many cases of fraud, financial, forgery, money laundering or any type of white collar crime have been reported to the force?

(b) How many of these cases were assigned a crime number and investigated by police?

(d) How many allegations of fraud, financial, forgery, money laundering, white collar, or indeed any type of crime, implicating a member of the legal or accounting profession have been reported to the force?

(e) How many investigations did the force complete as a result of these allegations against the legal or accounting profession, and how many were referred, instead, to the Law Society, Solicitors' Regulation Authority or some other self-regulating body?

(f) How many detectives on your force have training in forensic accounting?"

4. Gwent Police responded on 4 April 2012, stating that to comply with question 1 would exceed the appropriate cost limit as provided under the FOIA and, as a result, it was relying on section 12 as the basis for refusing the request in its entirety.
5. On 6 April 2012 the complainant requested an internal review of the handling of her request. She said she understood the information she requested was routinely reported to the Home Office and submitted a new refined request for "what figures did you put in your reports?"
6. Gwent Police provided the outcome of its internal review on 9 May 2012 and upheld its decision that to comply with the request of 27 March 2012 would exceed the appropriate limit. It did not address the issue of the refined request of 6 April 2012.
7. On 9 May 2012 the complainant wrote to Gwent Police regarding her request of 6 April 2012, pointing out that the request had not been answered or responded to. Gwent Police responded on the same day stating that it would not be carrying out a second review of the request.

Scope of the case

8. The complainant contacted the Commissioner to complain about the way her request for information had been handled.

9. The Commissioner wrote to the complainant to clarify whether her complaint related to her original request of 27 March 2012, or her refined request of 6 April 2012. The complainant confirmed that her complaint related to her refined request of 6 April 2012.

Reasons for decision

10. Sections 1 and 10 of the FOIA provide a general right of access to recorded information held by public authorities. These sections provide that when a written request for information is made, the public authority must state whether it holds that recorded information within 20 working days. If it does, it must provide that information within 20 working days unless a valid reason for not doing so exists under the FOIA. If such a reason does exist, a refusal notice should be issued in accordance with section 17 of the FOIA, again within 20 working days.
11. By failing to respond to the refined request at all, Gwent Police breached section 10 of the FOIA.

Right of appeal

12. 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

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

13. 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.
14. 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

Anne Jones
Assistant Commissioner
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF