

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 February 2016

Public Authority: Home Office
Address: 2 Marsham Street
London
SW1P 4DF

Decision (including any steps ordered)

1. The complainant has requested information about the Automatic Number Plate Recognition (“ANPR”) database. To date the Home Office has failed to respond to this request. The Commissioner’s decision is that in failing to respond to this request the Home Office breached sections 1(1) and 10(1) of the FOIA. The Commissioner requires the Home Office to take the following steps to ensure compliance with the legislation:
 - respond to the request.
2. The Home Office 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 23 October 2015, the complainant wrote to the Home Office and requested information in the following terms:

“I am writing in regards to the National ANPR Database. The College of Policing has told me this is a Home Office database.

Please could you tell me the following:

1. The number of 'read' records currently stored in the National ANPR Database as of 20th October 2015

2. The number of 'read' records added daily to the National ANPR Database, using an average of the past seven days up to 20th October 2015

3. The number of searches by police forces made against these records in 2014, 2013 and 2012 respectively

4. The number of ANPR cameras feeding information into the NADC database

5. How many times police forces obtained unauthorised access to the National ANPR Database".

4. The Home Office confirmed receipt of the request on 26 October 2015. However, by the date of this notice, the Home Office had failed to respond substantively to this request.

Scope of the case

5. The complainant contacted the Commissioner on 20 January 2016 to complain about the lack of response to his request.
6. The Commissioner contacted the Home Office on 28 January 2016 and asked it to provide a full response to the request within 10 working days. The Home Office did not respond.

Reasons for decision

Sections 1 and 10

7. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them. 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"*.
8. In this case the Home Office has breached sections 1(1) and 10(1) by failing to respond substantively to the request within 20 working days. At paragraph 1 above the Home Office is now required to respond to the complainant's request in accordance with the FOIA.

Other matters

9. As well as issuing this notice, the Commissioner has made a separate record of the failure by the Home Office to respond to the complainant's request. This issue may be revisited should evidence from other cases suggest that this is necessary.

Right of appeal

10. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

11. 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.
12. 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

Carolyn Howes
Senior Case Officer
Information Commissioner's Office
Wycliffe House
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Wilmslow
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SK9 5AF