

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 9 April 2024

**Public Authority:** Derbyshire Fire and Rescue Service

**Address:** Butterley Hall

Ripley

Derby

DE5 3RS

### Decision (including any steps ordered)

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1. The complainant has requested information contained within an investigation report from Derbyshire Fire and Rescue Service (DFRS). By the date of this notice, DFRS had not issued a substantive response to this request.
2. The Commissioner's decision is that DFRS has breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires DFRS to take the following step to ensure compliance with the legislation:
  - DFRS must provide the complainant with a substantive response to the request in accordance with its obligations under FOIA.<sup>1</sup>
4. The public authority 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 FOIA and may be dealt with as a contempt of court.

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<sup>1</sup> The Commissioner expects the public authority to take appropriate precautions to protect any personal data, particularly when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

## Request and response

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5. On 4 January 2024, the complainant made the following request for information to DFRS:

“I would like to inquire if just the conclusion/summary and recommendations sections of the report could be provided instead with all personal information/data redacted.”

6. The Commissioner understands that the report referenced in this request is DFRS’ investigation report regarding a collision involving Bakewell’s fire appliance on the 21 March 2023.
7. DFRS acknowledged receipt of the request on the 4 January 2024.

## Reasons for decision

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8. Section 1(1) of 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.”

9. Section 10(1) of 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”.
10. On 6 March 2024, the Commissioner wrote to DFRS, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.
11. Despite this intervention, DFRS has failed to respond to the complainant.
12. From the evidence provided to the Commissioner in this case, it is clear that DFRS did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority 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 FOIA.

## 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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

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.

**Pamela Clements**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**