

Press Release

For immediate release

16 June 2010

Action taken after IPCC fails to respond to FOI requests

The Information Commissioner's Office (ICO) has taken enforcement action against the Independent Police Complaints Commission (IPCC). The ICO's [enforcement notice](#), published today, indicates that 69 freedom of information requests were not resolved within the necessary legal timeframe. The action will help ensure requests for information are resolved within the appropriate timescales in future.

The IPCC has repeatedly failed to respond to requests in line with the Freedom of Information Act (FOIA). The ICO received a number of complaints about freedom of information requests which the IPCC had failed to respond to within the 20 day time limit. In a letter to the ICO, the IPCC confirmed that it was experiencing difficulties in responding to requests for information under FOIA due to an increase in the volume of requests.

The ICO has issued an Enforcement Notice which requires the IPCC to respond to requests which are overdue by 30 September 2010, either with the information requested or with a valid refusal notice. The IPCC is also required to resolve the cases referred to the ICO within 35 calendar days.

Graham Smith, Deputy Commissioner, said: "I am concerned that the IPCC has denied people access to information by repeatedly failing to respond to requests in line with the Act. The FOIA gives individuals important rights to access information held by public authorities and despite the current strain on resources all public authorities must remember their responsibilities under the Act. This Enforcement Notice serves as a strong signal to all public authorities that failure to respond is unacceptable. I am pleased that the IPCC reported the difficulties it was facing to us and hope that it will treat this notice with the urgency it requires by putting in place the necessary steps to answer all FOI requests in compliance with the Act."

Failure to comply with the Enforcement Notice could result in the Commissioner referring the matter to the High Court where it may be dealt with as a contempt of court.

A link to the full Enforcement notice can be found here:

http://www.ico.gov.uk/what_we_cover/freedom_of_information/enforcement.aspx

Notes to Editors

1. The Information Commissioner's Office upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals.
2. The ICO has specific responsibilities set out in the Data Protection Act 1998, the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Privacy and Electronic Communications Regulations 2003.
3. For more information about the Information Commissioner's Office subscribe to our e-newsletter at www.ico.gov.uk. Alternatively, you can find us on Twitter at www.twitter.com/ICOnews
4. The Commissioner requires the public authority to take the following steps to ensure compliance with the Act:

In relation to each overdue request which the IPCC has identified as 'out of time', the Commissioner requires the authority to:

- Respond to each of the requests by 30 September 2010

In respect of the four section 50 complaints identified in the confidential annex to this Notice, and which remain outstanding, within 35 calendar days of the date of this notice the Commissioner requires the IPCC to:

- Provide the information requested or,
- Issue a valid refusal notice in accordance with the requirements of section 17 of the Act