

Reference: FPR0987663

Freedom of Information Act 2000 (Section 48) Practice Recommendation

Chief Constable Greater Manchester Police
3 February 2023

Summary

Greater Manchester Police (GMP) has had a consistently poor level of performance in terms of its response times to FOIA requests. This has been highlighted by the disproportionately high number of complaints about response times submitted to the Information Commissioner, as well as the high number of decision notices he has had to issue to GMP to compel it to respond to outstanding requests. The Commissioner has reached the view that GMP's request handling practices do not conform to part 4 of the section 45 Freedom of Information Code of Practice, issued by the Cabinet Office in July 2018 (the Code).

Recommendations

GMP is in the process of implementing a number of improvements to its information request handling processes and training for staff, which should lead to improvements to its information request handling processes. The Commissioner has therefore designed the following recommendations to support and enhance GMP's plans to improve its information rights practices. In considering these recommendations, we expect GMP to ensure that it meets the requirements of all information rights legislation to which it is subject.

Area of Code	Non-conformity	Recommendation of steps to be taken
Part 4 – time limits for responding to requests Section 4.1 of the Code highlights the “clear” requirement that public authorities respond to requests for information	Between May 2021 and January 2023, the Commissioner issued ten decision notices which recorded a timeliness breach by GMP in the handling of information requests. This is in addition to a further 31 complaints received during the same period about the timeliness of	GMP should ensure that requests for information are responded to in a timely manner. When chased to issue responses by the Commissioner's case officers, GMP should respond in a timely and appropriate manner. This will avoid unnecessary decision notices and the subsequent further delays for the requesters.

<p>promptly and within 20 working days of receipt in accordance with section 10(1) of FOIA.</p>	<p>responses to information requests. These complaints were resolved informally without a decision notice.</p>	<p>GMP should use the Commissioner's FOI self-assessment toolkit to improve its timeliness compliance.</p>
		<p>In accordance with part 8.5 of the Code, GMP should publish its information access request statistics and make these easily accessible on its website. The statistics should include the number of information access requests that have not been processed and the number of completed requests where the processing took longer than 20 working days.</p>
		<p>GMP's request handling procedures should include provision for when a response is late, or is likely to be late at any stage of the internal processes. It must be clear when and to whom the matter will be escalated, who is responsible for taking action, the action they will need to take, and by when.</p>
		<p>GMP must ensure that its information rights training is sufficient to ensure that it has adequate coverage in place in order that request handling times do not fall below a compliant level in the event of the departure of key staff members.</p>
		<p>GMP should create an action plan, incorporating any recovery plan already in development, with appropriate processes put into</p>

		place to ensure 90% timeliness is achieved by the end of April 2023. This action plan should be supported by a 'lessons learned' exercise, which examines the root cause of delays from allocation through to clearance at different stages, with mitigations for any recurring problems addressed specifically in the plan.
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Reasons for issuing this Practice Recommendation

Through the evidence provided in a series of complaints it appears that the handling of FOIA requests within GMP had entered a decline. The impression created by this evidence has been added to by the Commissioner's own experience of dealing with GMP.

This practice recommendation formalises the Commissioner's concerns and holds GMP accountable for improving its freedom of information request handling practices and, in turn, increase public confidence and trust in its information rights practices.

Failure to comply

A practice recommendation cannot be directly enforced by the Commissioner. However, failure to comply with a practice recommendation may lead to a failure to comply with FOIA, which in turn may result in the issuing of an enforcement notice. Further, a failure to take account of a practice recommendation may lead in some circumstances to an adverse comment in a report to Parliament by the Commissioner.

GMP should write to the Commissioner by 30 April 2023 to confirm that it has complied with its recommendations and how it has achieved this.

The Commissioner will have regard to this practice recommendation in his handling of subsequent cases involving GMP.