

E Silva

By email.

7 April 2016

Dear E Silva,

**Ref: Internal Review: 2016-09**

I am writing following your recent request for an internal review, received 8 March 2016. I have concluded my review and am now in a position to provide you with a full response.

Initial requests:

On the 31 January 2016, through the '*What Do They Know?*' website, you submitted two Freedom Of Information (FOI) requests. Her Majesty's Inspectorate of Constabulary (HMIC) is required, under its FOI policy, to provide an acknowledgment email or letter to the requester within three working days. At this point, HMIC is also expected to provide the requester with the expected response date, adhering to the timescales of 20 working days as per the FOI Act 2000.

Your expected response date should have been the 26 February 2016.

Through this review, I have identified that this process was not followed, and you were not issued an acknowledgment email and advised of your expected response date.

Extended deadline:

On the 3 March 2016, the FOI Officer, Olivia Broom, sent an FOI extension letter (referring to both FOIs) advising that HMIC was still in the process of working through the information that you had requested, and was not in the position to issue a full response. The response date was then extended to the 25 March 2016. Under the FOI Act 2000, public authorities are able to extend an FOI response deadline if they are still working on the request. However, if the public authority is intending to extend its deadline, it must advise the requester of this before the original date has lapsed.

Through this review, I have identified that HMIC did not send you a full response to your FOI requests by the required date of 26 February 2016. I have also identified that HMIC failed to advise you on the status of your FOI until the 3 March 2016, four working days after the required deadline.

HMIC's response to FOI one:

HMIC issued you with a full response to your first FOI on the 21 March 2016. The FOI requested detailed information covering the time period of 2009-2015. As the level of detail that was requested by your FOI would cause HMIC to exceed the cost limit, as stated in the FOI Act 2000, the relevant FOI exemption was used. You can find more information on the use of this exemption on the ICO's website '[When can we refuse a request on the grounds of cost?](#)'.

Through this review, I can confirm that the correct process and exemption was used in this FOI response. I have seen the written communications between the FOI team and the relevant team who would hold the information, that the cost would be exceeded if they were to locate all the information that you requested. I have also seen the confirmation that the exemption and FOI was signed off by the necessary senior manager - all FOIs must be sent to a senior manager (or a Senior Civil Servant [SCS] grade) before they

are able to be sent, a process which is a Civil Service wide requirement. HMIC records the name and date of the senior manager when confirmation of release has been granted.

HMIC's response to FOI two:

HMIC issued you with a full response to your second FOI on the 23 March 2016. The FOI requested information on whether HMIC was involved with the Home Secretary's review into deaths in custody. Through the FOI, you were advised that HMIC was not involved with this review. Although HMIC was not directly involved in this review, our response provided you with extra information to advise on HMIC's involvement in the joint (with HMI prisons) inspection of police custody, and related fora as well as our representation in the Ministerial Board for Deaths in Custody. This was information which was not requested, but HMIC believes in responding to all FOIs with as much information as possible, even if the information is not held directly within HMIC.

Through this review, I can confirm that the correct process was followed, and all information was disclosed. I have seen the email chain between the FOI team and the inspection team who handle the joint inspections of police custody. I can also confirm that the senior civil servant who agreed and signed off this FOI is the senior civil servant for this strand of work.

End of review.

Through the internal review, we have identified there was a failure in our internal processes, we did not adhere to the FOI Act 2000 legislation by failing to send you a full response to your FOI requests by the required date. We did not follow HMIC's own FOI policy on responding to FOIs and whilst we provided you with an accurate response to both FOIs, we did not do so within the time required and for this I apologise.

The failures identified have been raised with the relevant individuals to ensure that this does not happen in the future.

If you are dissatisfied with this response, you have a right of complaint to the ICO at the following address:

The Office of the Information Commissioner  
Wyclife House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Enquiries/Information - 0845 30 60 60 or 1625 54 57 45

I trust that the information supplied has answered your request.

Yours sincerely,

On behalf of

**HMIC FoI Team**  
Her Majesty's Inspectorate of Constabulary