

# Freedom of Information Act 2000 (Section 48) Practice Recommendation

Chief Constable of Dorset Constabulary

4 December 2024

## Summary

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Section 48 of the Freedom of Information Act (FOIA) empowers the information Commissioner (the Commissioner) to issue a practice recommendation where it appears to him that a public authority has failed to conform, specifically, to the FOIA Codes of Practice. These failures are addressed in the recommendations section below. Section 47 of FOIA also makes clear that the Commissioner has a duty to promote the following of good practice beyond just the requirements of the Codes of Practice.

In November 2023, the Commissioner carried out an FOI Audit of Devon and Cornwall and Dorset Police (which has a shared FOI service) during which the Commissioner noted a number of concerns over FOI compliance performance.<sup>1</sup> Following the Audit, the Commissioner continued to monitor the FOI performance of Dorset Police who proactively engaged with the Commissioner, acknowledging its poor compliance and supplying regular updates on its FOI performance throughout 2024. Whilst there was an initial improvement in performance during January to March 2024, performance then dipped during April to October 2024. Dorset Police explained that it had staffing shortages and recruitment issues which, combined with an increase in FOI requests, had caused its performance to suffer.

Dorset Police has had a consistently poor level of performance in terms of the time limit for complying with information requests. This has been highlighted by (1) the FOI Audit in November 2023, and (2) the performance data supplied by Dorset Police to the Commissioner over the past 12 months. The Commissioner also has concerns about the time it takes Dorset Police to complete internal reviews.

Following engagement by his staff with Dorset Police about the underlying reasons for these failings, the Commissioner has reached the view that Dorset Police's request handling practices do not conform to parts 4, 5 and 8 of the section 45 Freedom of Information Code of Practice, issued by the Cabinet Office in July 2018 (the Code).<sup>2</sup>

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<sup>1</sup> [Devon and Cornwall and Dorset Police audit report](#)

<sup>2</sup> [Freedom of Information Code of Practice - GOV.UK](#)

## Recommendations

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The Commissioner has been liaising regularly with the FOI Team at Dorset Police, subsequent to the Audit Report issued in November 2023. The Commissioner notes that Dorset Police's FOI Team has engaged positively with the Commissioner's staff. However, there remain a number of issues in respect of their FOI performance that continue to concern the Commissioner. He accepts that Dorset Police's FOI Team is aware of these issues and the purpose of the Practice Recommendation is to ensure there is transparency about the action being taken by drawing wider attention to this issue.

The Commissioner has also designed the following recommendations to support and enhance Dorset Police's existing plans to improve its information rights practices.

In considering these recommendations, the Commissioner expects Dorset Police to ensure that it continues to meet its wider information rights obligations, including to comply with subject access requests under the UK GDPR.

Area of Code	Non-conformity	Recommendation of steps to be taken
<p><b>Part 4 – Time limits for responding to requests</b></p> <p>Section 4.1 of the Code highlights the "clear" requirement that public authorities</p>	<p>For the year 2024 to date, Dorset Police responded to around 50% of FOIA requests within the statutory time limits. As of 31 October,</p>	<p><b>Recommendation 1:</b> Dorset Police should ensure that requests for information are responded to in a timely manner.</p>

<p>respond to requests for information promptly, and within 20 working days of receipt in accordance with section 10(1) of FOIA.</p>	<p>Dorset Police was still only operating at 59% compliance.</p>	<p><b>Recommendation 2:</b> Dorset Police should use the Commissioner's FOI self-assessment toolkit to improve its timeliness compliance.</p> <p><b>Recommendation 3:</b> Dorset Police'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 is clear when and to who to escalate, who is responsible for taking action, the action they will need to take, and by when.</p> <p><b>Recommendation 4:</b> Dorset Police should ensure that it has adequate levels of resource within its Information Rights teams to ensure that FOI requests, and internal reviews, are completed in a timely manner. Dorset Police should also ensure that staff within its various departments responsible for request handling are also aware of the importance of processing requests in a timely manner.</p> <p><b>Recommendation 5:</b> Dorset Police 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>
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<p><b>Part 5 – Internal reviews</b></p> <p>Sections 5.4 and 5.5 of the Code set out that a reasonable time for the completion of an internal review is 20 working days</p>	<p>The Commissioner notes from the data supplied by Dorset Police, that since November 2023 to date no internal reviews had been completed within 40 working days despite there being</p>	<p><b>Recommendation 7:</b> Dorset Police should ensure that internal reviews are completed, and the outcome communicated to the requester, in a timely manner. In order to ensure that this happens consistently, Dorset Police should refresh its procedures for conducting internal reviews and ensure that these are effective and robust.</p>

<p>following the receipt of the request for review, and that, usually, no more than 40 working days will be required.</p> <p>Section 5.8 of the Code sets out that internal reviews should provide “a fair and thorough review” of relevant matters.</p>	<p>a relatively small number of internal review requests received.</p>	
<p><b>Part 8 – Publication Schemes</b></p> <p>Section 8.5 of the Code sets out that “public authorities with over 100 Full Time Equivalent (FTE) employees should, as a matter of best practice, publish details of their performance on handling requests for information under the Act.”.</p>	<p>Dorset Police need to include more detail in their information access statistics.</p>	<p><b>Recommendation 8:</b> In accordance with part 8.5 of the Code, Dorset Police publishes its information access request statistics on its website. However, the statistics should also 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. The Commissioner has published guidance on How to report on your performance on <a href="#">How to report on your performance on handling requests for information under FOIA 2000   ICO</a></p>

## Reasons for issuing this Practice Recommendation

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The Commissioner's rationale for issuing this practice recommendation is outlined above under the 'Recommendations' heading. The Commissioner is issuing this practice recommendation so that it draws attention to the issues which he considers are significantly contributing to the underperformance of Dorset Police in terms of responding to requests on time and internal review delays.

The Commissioner expects Dorset Police to build upon the work already undertaken in addressing these points. The Commissioner is issuing a practice recommendation at this time rather than, for example, an enforcement notice because Dorset Police has engaged openly with his office about the problems it has faced. The Commissioner also notes that the current backlog of outstanding requests is lower in volume than some comparable police forces. The age profile of the backlog as of 31 October 2024 is set out below.

<b>Age profile of overdue requests as of 31 October 2024</b>	<b>FOI / EIR</b>
Number of requests open over 20 working days	59
Number of requests open over three months old	29
Number of requests open over six months old	14
Number of requests open over nine months old	2
Number of requests open over a year old	1
Oldest open request	388 calendar days/270 working days

Reference: FPR0987684

This practice recommendation formalises the Commissioner's concerns and holds Dorset Police 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

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The Commissioner cannot directly enforce a practice recommendation. 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.

Dorset Police should write to the Commissioner by 1 April 2025 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 Dorset Police.