



Freedom of Information Policy (821/2025)

Abstract

This policy sets out the process to be followed when a Freedom of Information request is received and the action to be taken if an applicant is dissatisfied with the response provided by the Force.

Policy

1. Introduction

1.1 The Freedom of Information (FOI) Act 2000 gave the public the right to ask for any information held by a public authority. There is an expectation that the information will be provided unless it falls within one of the exemption provisions of the Act. This policy and supporting procedures will ensure police officers and police staff are aware of the actions required and the process to be followed on receipt of an application for information, which in turn will ensure Sussex Police discharges its duties under the FOI Act 2000.

2. Scope

2.1 This policy covers:

- Criteria for submitting a FOI request,
- Process of an FOI request,
- Exemptions to disclosure,
- Appeals process if an applicant is dissatisfied with the response they have received from the Force.

2.2 It should be noted that the FOI Act 2000 does not extend to 'personal data' – i.e., information that relates to a living individual. The Data Protection Act 2018 covers such information. (See the Data Protection Policy (Surrey and Sussex) (780) and 3.3 for further information).

3. Statement

3.1 The aim of the FOI Act is to encourage public authorities to become more open and accountable, particularly in terms of transparency in their decision-making processes. Sussex Police recognises the rights of individuals to request information and is committed to fulfilling its obligation as a public authority, to ensure these requests are responded to in accordance with the provisions of the FOI Act.

Procedure

1. Introduction

1.1 Under the FOI Act any information, documentation or records which are produced internally by the Force, held by the Force, or held by contractors or third parties on behalf of the Force are covered by the Act. By opening up public information to greater scrutiny, it is intended that the public will be better able to engage with the authorities that serve them.

1.2 The responsibility for dealing with FOI requests in Sussex Police lies with the FOI Team who are part of the Information Access Team.

The FOI Team are available to provide help and advice on all FOI and Data Protection related matters. They can be contacted between 8am and 4pm Monday to Friday.

Contact Details:

FOI Team

Data Protection Unit

Sussex Police HQ

Malling House

Church Lane

Lewes

BN7 2DZ.

Email: foi@sussex.police.uk

1.3 All requests for information must be passed to the FOI Team on date of receipt, to ensure they are processed within the statutory timeframe and in accordance with the College of Policing (CoP) Authorised Professional Practice (APP) FOI Act 2000.

1.4 The FOI Act requires Sussex Police to regularly update and maintain a publication scheme which sets out the classes of information that will be routinely published. Follow the link for Sussex Police's Publication scheme.

1.5 Follow the link for details of the [Freedom of Information \(FOI\) Act 2000](#).

1.6 Information is disposed of in line with the Surrey and Sussex Retention Schedule.

2. Criteria for submitting FOI requests

2.1 Requests for information must fall within the following criteria:

- Requests must be made in writing and be legible. FOI requests can be received by various means such as email, post, or social media e.g., Facebook and Twitter. However, the request must always contain an email or postal return address to enable a formal response.
- Requests must clearly identify the information that is being requested.
- A request can be made from anywhere in the world.
- Requests can be made for any information stored in any format.

- The FOI Act is applicant and purpose blind, so applicants making a request do not have to give a reason for seeking the information, and the public authority has no right to ask. The only exception to this rule is for repeated or vexatious requests.

- An applicant must supply a name and return address, however, there is no requirement for the identity or address to be verified. An email address is acceptable in the terms of the FOI Act.

2.2 An FOI request can be made via the [Sussex Police website](#) or via our contact details above (1.2).

2.3 A request for information can be received by any member of staff within the Force. It is therefore essential that all requests are passed to the FOI Team when received.

2.4 When a request for information is received by the Force that does not fall under the FOI Legislation, the applicant will be notified that the request has been rejected or, where applicable passed to the appropriate department.

3. Requests for Personal Information

3.1 The subject of personal data merits its own explanation in reference to the FOI Act because of the complexities that arise when dealing with this issue.

3.2 Personal data is defined as 'any information that identifies a living individual either on its own, or in combination with other information possessed (or likely to be possessed) by an authority'. Please note that the Data Protection Act 2018 does not apply to deceased persons.

3.3 Where an applicant makes a request for information about themselves and quotes the FOI Act, an exemption as detailed within Section 7 below, is applicable. The applicant is refused the information and referred to the Rights of Access (previously a Subject Access Request (SAR)) process instead (See Rights of Access Requests Policy (Surrey and Sussex) (1181)).

3.4 Where an individual makes a request for another person's data and is likely to breach the Data Protection Act, an exemption will apply.

4. Request Processing

4.1 The FOI Team will respond to all applicants on behalf of Sussex Police. They will send out the initial acknowledgement that the request has been received by the Force, any requests for clarification and all subsequent correspondence.

4.2 Whilst information to fulfil the request will be sought from the relevant Division or Department, it is the FOI Team who will make the decision as to whether the information is released or is subject to one of the exemptions contained within the FOI Act.

5. Statutory Deadline for Compliance

5.1 The FOI Act lays down that an FOI request must be responded to as soon as possible and in any case, within 20 working days, starting from the first working day after the request is received in Force.

5.2 This deadline can only be extended where there is a requirement to further consider any public interest in disclosure. Where this is the case, the applicant must be informed and given a revised estimate of when they can expect to receive a reply.

5.3 APP guidelines suggest that it is more important to ensure that a request is dealt with properly, rather than rushing into a disclosure to meet a deadline. This is not to say that the Force can ignore the statutory deadline, but it is a recognition of the fact that there are occasions where the decision to disclose or withhold is difficult to make.

5.4 Regardless of this, Sussex Police have a duty to provide advice and assistance to the applicant and to ensure they are kept updated on the progress of their request.

6. Referral of FOI Requests to the Central Referral Unit (CRU)

6.1 The Police Service is in a unique position under FOI as there is a CRU run by the National Police Chief's Council (NPCC) which allows FOI requests to be referred to them for advice and guidance from a national perspective.

6.2 Where necessary they will provide advice and guidance on how to respond to requests in close liaison with the relevant NPCC leads. The types of requests they are interested in are contained within the CoP Guidelines within APP.

7. Exemptions

7.1 The Act provides a number of exemptions to disclosure. The exemptions fall into two categories:

- Absolute Exemptions - The public authority does not have to consider the Public Interest test on the information that has been requested.
- Qualified Exemptions - These require a public authority to complete a Public Interest Test on the information that has been requested.

7.2 Qualified Exemptions can be further divided into:

- Prejudiced Based Exemptions - The public authority must not only consider the public interest but also evidence the harm caused by disclosure.
- Class Based Exemptions - The public authority must consider the public interest but does not need to evidence the harm caused by disclosure.

Note – Absolute Exemptions are always Class Based so there is no requirement to evidence harm.

7.3 It should be noted that certain exemptions provide the right to neither confirm nor deny (NCND) that any information is held.

7.4 The FOI Team have received training in applying the exemptions and considering the public interest in disclosure and can advise information owners where exemptions may apply. It should be noted, however, that there is a presumption of disclosure under the FOI Act and where the Force seeks to use one of the qualified or Class Based exemptions the argument against disclosure must outweigh the argument for disclosure. If any arguments for and against disclosure are equally balanced the information must be disclosed.

8. Public Interest / Harm Test

8.1 Where a qualified exemption applies, the information is subject to a Public Interest Test. The Test is designed to consider information that is deemed to be in the wider interest of the public as a whole. This is not to be interpreted as an individual's interest but should refer to information that is of common interest to the wider community.

8.2 Considerations in favour of disclosure should include accountability (public funds etc.), public participation, public debate, public awareness of a subject and individual justice or research. Consideration in favour of non-disclosure, could include interests of third parties, efficient and effective conduct of public affairs, fair treatment of individuals and the prejudice caused to the flow of information to an authority.

8.3 Requests for embarrassing, misleading or inaccurate information do not, in themselves, amount to a legitimate reason to refuse disclosure.

8.4 All disclosures where a qualified exemption is applied must contain the arguments for and against disclosure, even when absolute exemptions are also applicable, or the Force is disclosing information. The letter must have both considerations for and against listed and clearly state the final decision, known as the balancing test.

8.5 Where a prejudiced based exemption is applied there must be consideration given to the harm in disclosure.

8.6 When assessing potential harm, it is not necessary for the decision makers to prove that harm will be caused but demonstrate that it is likely to occur. Each request should be assessed on its own merits.

8.7 All disclosures where an assessment of harm is applied must contain the arguments against disclosure, even when Class Based exemptions are also applicable.

8.8 There will be some occasions where the public interest in disclosing the information outweighs the potential harm and information is released.

9. Internal Reviews

9.1 Where an applicant is dissatisfied with the reply they have received, they have the right to seek an internal review of the decision. The review should be carried out by an individual who has not been involved with the original decision.

9.2 An FOI Decision Maker will carry out the internal review and will reassess all the information held and make a decision based upon the information available. The decision can be to either maintain the original position or to release some, or all, of the information held.

9.3 If the applicant is still dissatisfied following the internal review, they have the right to refer the matter to the Information Commissioner.

9.4 The Information Commissioner can only be involved once the applicant has exhausted all internal options regarding their request. They will again assess the information, and the exemptions applied and make a decision as to whether the Force has dealt with the request, in accordance with the FOI Act. This is done by means of a

'Decision Notice' which will either require the Force to disclose the requested information or will uphold the original position.

9.5 Once a decision notice has been issued, either party has the right to take the notice to an Information Tribunal, if they do not agree with the Commissioner's decision.

9.6 Full details relating to the work of the Information Commissioner's Office can be found at <https://ico.org.uk/>.

Team: Information Management