

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 April 2026

Public Authority: Chief Constable Staffordshire Police
Address: PO Box 3167
Stafford
ST16 9JZ

Decision (including any steps ordered)

1. The complainant requested information relating to a specific piece of correspondence. Staffordshire Police advised that it did not hold the requested information.
2. The Commissioner's decision is that Staffordshire Police failed to conduct adequate searches to locate information falling within the scope of the request.
3. The Commissioner requires Staffordshire Police to issue the complainant with a fresh response to their request following searches aimed at identifying all information held within the scope of the request.
4. Staffordshire Police must take these steps within 30 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 14 July 2025, the complainant wrote to Staffordshire Police and, referring to an email of 22 May 2023, requested information in the following terms:

"I am seeking the information you hold associated with the below message sent by your constabulary to the NPCC:

The exchanges with Surrey Police

The questions asked of other constabularies & their responses

The calculation undertaken showing that the costs are not covered by the fees presented

Your exchanges with the NPCC

Your consideration of RoA - right of access - and any exchanges on this insofar as disclosure of police reports is concerned."

6. Staffordshire Police responded on 18 July 2025, citing section 14(1) (vexatious request) of FOIA to refuse the request.
7. Within its response, Staffordshire Police advised that because multiple internal reviews had already been carried out regarding the same topic, an internal review of its response to this particular request would not be carried out.
8. On 3 March 2026, the Commissioner wrote to Staffordshire Police requesting its reasoning for the application of section 14(1) to the request.
9. On 10 March 2026, Staffordshire Police withdrew its reliance on section 14(1) and issued a fresh response to the complainant advising that it did not hold the requested information.

Scope of the case

10. The complainant had originally contacted the Commissioner on 19 July 2025, to complain about the application of section 14(1) to their request.
11. Following the fresh response issued by Staffordshire Police, the complainant contacted the Commissioner again saying that they were unhappy with its fresh response.
12. In particular they raised concerns about what searches had been carried out by Staffordshire Police to locate information falling within the scope of the request, including searches undertaken at the time of the request.
13. As reliance on section 14(1) of FOIA has been withdrawn, the Commissioner will not consider the original application of section 14(1).

14. The scope of the following analysis is to consider if Staffordshire Police has established accurately whether it held information falling within the scope of the request at the time of the request.

Reasons for decision

Section 1 – information not held

15. This decision notice concerns section 1 of FOIA. Details of this section of FOIA and how it is applied in a decision notice can be found in the Commissioner's [decision notice support materials](#).
16. In cases such as this, where there is some dispute as to the amount of information falling within the scope of the request, the Commissioner, following the lead of a number of Information Tribunal decisions, applies the civil standard of the balance of probabilities.
17. In other words, in order to determine such complaints, the Commissioner must decide whether, on the balance of probabilities, a public authority holds any information which falls within the scope of the request.
18. In applying this test, the Commissioner will consider the results of searches undertaken by the public authority and/or other explanations offered as to why no further information is held.

Staffordshire Police representations

19. Following the fresh response issued, the Commissioner requested explanations from Staffordshire Police in order to determine how it had concluded that it did not hold information falling within the scope of the request.
20. Within its response, Staffordshire Police confirmed that following its withdrawal of reliance on section 14(1) of FOIA, it did not carry out searches for information falling within the scope of the request.
21. It explained that, in accordance with its email retention policy of two years, any information previously held would no longer be available.
22. Staffordshire Police provided a copy of its email retention policy to the Commissioner. This confirms the two year retention period as standard, but also notes longer 'retention options'.

The Commissioner's conclusion

23. The position of Staffordshire Police here is entirely reliant on that two year email retention period. It believes that, as the email from which the complainant's information request stemmed was more than two years old at the time of the request, any in-scope information that it held would no longer have been retained by the time of the request as more than two years had elapsed. Its position was that this passage of time meant that a search for any in-scope information was not necessary.
24. The question for the Commissioner is whether that reasoning provides a sound basis for him to conclude that, on the balance of probabilities, the requested information was not held. His view is that it clearly does not, for the following reasons.
25. First the scope of the request. Its wording does not, on an objective reading, limit it only to emails. Nor does it place a time restriction on the information being requested.
26. The complainant has requested information "associated" with the email dated 22 May 2023. The view of the Commissioner is that an objective reading of the request does not limit it to emails from around the date of the email quoted in the request.
27. The Commissioner therefore considers that information other than emails, could fall within the scope of the request and searches should have been carried out in order to locate any other recorded information.
28. Secondly, the Commissioner does not in any event accept that the two year retention period means there is no possibility of in-scope emails older than two years by the time of the request having been held. The retention period document shared with the Commissioner makes reference to longer retention periods, and in general the Commissioner considers it improbable that all emails relating to, for example, a highly significant matter would simply be deleted at two years with no regard had for their content.
29. For these reasons the Commissioner does not accept that the two year email retention period provided a sound basis for Staffordshire Police to believe that searches for recorded information falling within the scope of the complainant's request were unnecessary. The Commissioner's decision is therefore, that Staffordshire Police failed to conduct adequate searches for information falling within the scope of the request.

30. The Commissioner requires Staffordshire Police to carry out full and complete searches for information falling within the scope of the request. If Staffordshire Police locates information falling within the scope of the request, that information should either be disclosed to the complainant or an adequate refusal notice should be provided.

Right of appeal

31. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
General Regulatory Chamber,
PO Box 11230,
LEICESTER,
LE1 8FQ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

32. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
33. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Jane Smith
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