

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 May 2012

Public Authority: Commissioner of the Metropolitan Police Service

Address: New Scotland Yard
Broadway
London
SW1H 0BG

Decision (including any steps ordered)

1. The complainant requested a copy of the *'IPI Lessons Learned Review'* from the Metropolitan Police Service (the MPS). The MPS disclosed the information but responded outside the statutory time limit. The Information Commissioner's decision is that the MPS breached section 1(1) and section 10(1) of the FOIA in failing to respond to the request within 20 working days. As the MPS has disclosed the information to the complainant, the Commissioner does not require the MPS to take any further remedial steps.

Request and response

2. On 14 October 2011, the complainant wrote to the MPS and requested information in the following terms:

"I would like to see a copy of the IPI Lessons Learned Review. Please treat this as a request under the Freedom of Information Act..."
3. The MPS responded on 2 May 2012. It disclosed the information to the complainant in full.

Scope of the case

4. The complainant contacted the Commissioner initially to complain about the fact that the MPS had not responded to his request. Although the MPS has now responded and provided the information to him, the complainant remains dissatisfied with the length of time taken by the MPS to respond to his request for information.

Reasons for decision

5. Section 1(1) of FOIA states that:

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

6. Section 10(1) of FOIA states that:

"...a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

7. In other words, on receipt of a request for information a public authority must respond to the applicant within 20 working days. Its response should either confirm or deny whether the information is held and if the information is held, pending any exemptions, it should be provided to the applicant.
8. From the evidence provided to the Commissioner in this case, it is clear that the response from the MPS was provided outside the statutory time scale by some considerable margin and therefore it did not comply with its obligations under the FOIA.

Right of appeal

9. 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)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

10. 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.
11. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Jon Manners
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