

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 15 March 2018

**Public Authority:** Commissioner of the Metropolitan Police Service

**Address:** New Scotland Yard  
Broadway  
London  
SW1H 0BG

### Decision (including any steps ordered)

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1. The complainant requested information about the activities of a named Police Constable from the Metropolitan Police Service (the "MPS"). The Commissioner's decision is that the MPS breached section 10(1) of FOIA by failing to respond to the request within the statutory time limit. As it has since responded the Commissioner does not require the MPS to take any action as a result of this notice.

### Request and response

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2. On 24 November 2017 the complainant wrote to the MPS and requested information in the following terms:
  - 1) *Prior to 08:31 on the 18<sup>th</sup> April 2017, any recorded time (in local hours and minutes) that establishes when on this date the patrol vehicle that MPS Police Constable (PC) [name redacted] was driving was parked by him on the Harrow Road, London, W2, almost adjacent to Lord Hills Bridge, London, W2.*
  - 2) *On the aforementioned 18<sup>th</sup> April, any recorded time (in local time hours and minutes) that establishes when during the morning MPS PC [name removed] started his mobile patrol with a Pro Laser IIII device on the Harrow Road, London, W2, almost adjacent to Lord Hills Bridge, London, W2.*

- 3) *On the aforementioned 18<sup>th</sup> April, any recorded time (in local time hours and minutes) that establishes when during the morning MPS PC [name removed] finished his mobile patrol with a Pro Laser IIII device on the Harrow Road, London, W2, almost adjacent to Lord Hills Bridge, London, W2.*
  - 4) *Any information which ascertains when on the aforementioned 18<sup>th</sup> April, and before he utilized a Pro Laser IIII device, MPS PC [name removed] first sighted black vehicle, index mark [VRM removed], via plain sight (including whilst wearing any relevant glasses or contact lenses or any other visual aids(s)), on the Harrow Road, London, W2.*
  - 5) *Any information which ascertains that on the aforementioned 18<sup>th</sup> April, and before he utilized a Pro Laser IIII device, MPS PC [name removed] was able to see black vehicle, index mark [VRM removed], via plain sight (including whilst wearing any relevant glasses or contact lenses or any other visual aids(s)), when the car was at least 124.1 metres away from him on the Harrow Road, London, W2.*
3. The MPS acknowledged receipt of the request on 5 December 2017, however, when doing so it referred to a Pro Laser III device. On 8 December 2017, the complainant wrote to the MPS to clarify that he had specified a Pro Laser IIII.
  4. On 2 January 2018 the complainant wrote to the MPS chasing his response and expressing dissatisfaction with the delay. On the same day, the MPS wrote to him to apologise for the delay in responding to his request, the letters 'crossing in the post'.
  5. On 9 January 2018 the MPS wrote to the complainant again. It advised him that a review would be undertaken into the handling of his request – this review was sent to him on 11 January 2018 and acknowledged its procedural breaches.
  6. On 12 January 2018 the complainant wrote to the MPS advising that he had not requested a review and that he required a response within 7 days from the date of his letter.

### **Scope of the case**

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7. The complainant wrote to the Commissioner on 12 January 2018 to complain about the lack of response to his information request. He also specified that he had not requested an internal review into the handling of his request.

8. On 20 February 2018, the Commissioner wrote to the complainant to enquire whether or not his response remained outstanding.
9. On 23 February 2018 the complainant responded and advised that he had received a response from the MPS dated 1 February 2018. However, he remained dissatisfied with the delay and wished the Commissioner to issue a decision notice to record this.

## **Reasons for decision**

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### **Section 10 – time for compliance**

10. Section 10(1) of FOIA provides that a public authority should comply with section 1(1) within 20 working days. Section 1(1)(a) initially requires a public authority in receipt of a request to confirm whether it holds the requested information.
11. The request was submitted on 24 November 2017 and the complainant did not receive a response until 1 February 2018. The Commissioner therefore finds that the MPS has breached section 10(1) by failing to comply with section 1(1)(a) within the statutory time period.

### **Other matters**

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12. The complainant expressed dissatisfaction with the MPS's interpreting his letter of 2 January 2018 as a request for an internal review. However, the Commissioner considers this action to be best practice.
13. The complainant has clearly expressed dissatisfaction regarding the handling of his request and the MPS has interpreted this as a request for an internal review of its procedures. The MPS has then considered the matter and advised the complainant accordingly.
14. The complainant is concerned that, as a result of the MPS having undertaking this internal review, he may then be disadvantaged in the future by being denied the opportunity of a further internal review once his full response had been received. This would not be the case. The complainant would have been able to ask for an internal review of the response provided by the MPS were he to have remained dissatisfied.

**Right of appeal**

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- 15. 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: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

- 16. 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.
- 17. 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 .....**

**Carolyn Howes  
Senior Case Officer  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**