

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 June 2018

Public Authority: Commissioner of the Metropolitan Police Service

Address: New Scotland Yard
Broadway
London
SW1H 0BG

Decision (including any steps ordered)

1. The complainant has requested a report relating to the investigation into alleged misconduct in public office by a civil servant from the Metropolitan Police Service (the "MPS"); to date he has not received a substantive response.
2. The Commissioner's decision is that the MPS breached sections 1 and 10 of the FOIA in that it failed to provide a valid response to the request within 20 working days of receipt. She requires it to comply with the request or issue a valid refusal notice as set out in section 17 of the FOIA.
3. The MPS must take these steps within 35 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

4. On 5 December 2017 the complainant wrote to the MPS and requested information in the following terms:

"I am sending this request under the Freedom of Information Act to ask for the following information:

The report of the Senior Investigating Officer relating to the investigation in 2008/09 into [name redacted] and alleged misconduct in public office.

...

If it is necessary for any reason to redact any information, please redact the minimum necessary and send me the rest of the material, explaining the legal grounds for each redaction”.

5. Despite chasing a response, one has not yet been provided.

Scope of the case

6. The complainant contacted the Commissioner on 2 May 2018 to complain about the lack of response to his information request.
7. The Commissioner wrote to the MPS on 12 June 2018 and asked it to provide a response within 10 working days; this was acknowledged.
8. No substantive response to the request had been provided by the date of this notice.

Reasons for decision

Section 1 – general right of access

Section 10 - time for compliance

9. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
10. Section 10(1) of the FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
11. The Commissioner considered whether the MPS has responded to the request of 5 December 2017 in line with the provisions of the FOIA.
12. Despite her intervention, from the information provided to the Commissioner in this case it is evident that the MPS did not deal with the request for information in accordance with the FOIA. In this case the MPS has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days. The MPS is now required to respond to the request in accordance with the FOIA.

Other matters

13. As well as finding above that the MPS is in breach of the FOIA, the Commissioner has also made a record of the delay in this case. This may form evidence in future enforcement action against the MPS should evidence from other cases suggest that there are systemic issues within the MPS that are causing delays.

Right of appeal

14. 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

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

15. 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.
16. 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