

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 25 June 2019

**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 details of allegations made about The London College UCK.
2. The Commissioner's decision is that the Metropolitan Police Service (MPS) has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the MPS to take the following step to ensure compliance with the legislation.
  - The MPS must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The MPS must take this step 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

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5. On 23 December 2018 the complainant wrote to the MPS and requested information in the following terms:

*"1. Details of any allegations made about the London College, UCK t/a University College Kensington, registered as UCK LTD (company registration number 3611735).*

*2. Details of any investigations into the college, if any*

*3. Details of any communications/reports/decisions received from the Royal Borough of Kensington and Chelsea with regards to the London College, UCK t/a University College Kensington, registered as UCK LTD."*

6. Following the MPS's refusal of the above request, the complainant wrote to the MPS on 2 February 2019 and submitted a refined request for information in the following terms:

*"Would you please provide answers to the question 1 where the college is named as a suspect and/or where the college is the location of an offence.*

*Please ignore currently question number 2.*

*With regards to the question 3, a search is required in only one of the 12 MPS Operations Command Units covering 32 boroughs within the greater London which is in Notting Hill where the college in question was located."*

7. The complainant contacted the MPS on 13 April 2019 regarding the overdue response. The MPS responded on the same day to apologise for the delay.
8. The MPS wrote to the complainant again on 15 May 2019 and stated that a response was currently awaiting management sign-off.
9. The complainant chased a response from the MPS on 4 May 2019. However, to the date of this notice the MPS has failed to provide a substantive response to the request.

## Scope of the case

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10. The complainant contacted the Commissioner on 15 May 2019 to complain about the MPS's failure to respond to her information request.

11. On 28 May 2019 the Commissioner wrote to the MPS, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
12. Despite this intervention the MPS has failed to respond to the complainant.
13. The Commissioner has considered whether the MPS has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

### Reasons for decision

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14. Section 1(1) of the 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."*

15. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt."*
16. From the evidence provided to the Commissioner in this case, it is clear that the MPS did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the MPS has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

## Right of appeal

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17. 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@justice.gov.uk](mailto:grc@justice.gov.uk)

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

18. 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.
19. 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 .....**

**Ben Tomes  
Team Manager  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**