

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 October 2019

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 information from the Metropolitan Police Service (the MPS) about a Super Civil Anti-Trespass Injunction.
2. The Commissioner's decision is that the 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 provide 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

5. On 25 July 2019, the complainant wrote to the MPS and requested information in the following terms:

"Recently, a Super Civil Anti-Trespass Injunction (SCTI) was granted by the High Court over land on the Greenwich peninsula, including the Millennium Dome (the area). This injunction is made out against persons unknown and prohibits trespass on certain areas of the land subject to conditions. Although SCTIs are made by the civil courts, breaches are enforceable as contempt of court and are therefore treated as pseudo-criminal offences.

I am personally aware of several incidents recently where MPS officers have attended land on the Greenwich peninsula and effected their powers both of arrest and also to stop and search in relation to this injunction.

1. I am requesting in any policing statistics you may hold about these activities from the past 4 months, in particular:

- a. The number of searches carried out, broken down by the powers used.*
- b. The aggregate results of the aforementioned searches (i.e. was anything found).*
- c. A list of the arrests made, the date on which they were made and the powers under which they were made.*
- d. The results of the aforementioned arrests (i.e. NFA, under investigation, particular charges made, etc.)*

I do not know about your record-keeping system for this information, and if it is not possible to easily search details about the 'cause' of an arrest or search then it would be sufficient to disclose all actions in the general vicinity of the area.

2. Does the MPS hold a policy on responding to breaches of SCTIs (in general or in relation to this one specifically), and on passing personal details from purported trespassers to the landowner? If so please provide a copy.

3. Has the MPS had any written discussions with the landowner or their agents about enforcement of this SCTI? If so please provide a copy."

6. The MPS acknowledged the request on 25 July 2019. The complainant contacted the MPS several times in August and September 2019 to

enquire about the delayed response. To date, a substantive response has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 5 September 2019 to complain about the MPS' failure to respond to their request.
8. 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

9. 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."

10. 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"*.
11. On 25 September 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. 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

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@justice.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

Phillip Angell
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Water Lane
Wilmslow
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