

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 15 July 2020

**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 has requested details regarding a press statement from the Metropolitan Police Service (the "MPS"). The MPS advised that to ascertain whether or not all of the requested information is held would exceed the appropriate limit at section 12(2) of the FOIA.
2. The Commissioner's decision is that it was entitled to cite the appropriate limit. She also finds that adequate advice and assistance was provided. No steps are required.

### Background

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3. On 24 July 2020, the MPS released the following press statement:

*"Since the UME [unlicensed music event] on the Angel Town Estate in Brixton on Thursday, 25 June, the Met has received information on more than 530 events across the capital. On Saturday, 18 July alone, information was received on 86 separate incidents.*

*The Met is responding to approximately 23 UMEs every day.*

*UMEs are illegal, have no security, are not insured, are not ticketed and they are frequently associated with anti-social behaviour and violence. Those attending a UME are putting themselves at risk".*

## Request and response

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4. On 23 August 2020, the complainant wrote to the MPS and requested information in the following terms:

*"I would like to request a list of all the illegal raves mentioned in this article:*

*<https://www.mylondon.news/news/south-london-news/500-illegal-raves-organised-london-18659869>*

*"The Metropolitan Police said information about more than 530 events across the capital has been received since the Brixton rave, with police responding to 23 a day."*

*For each event I would like:*

- The location*
- The date*
- The action taken by the Met Police*

*I would like the information to be supplied to me in Excel format".*

5. On 18 September 2020, the MPS responded. It refused to provide the requested information advising that to ascertain whether or not the requested information is held would exceed the cost limit at section 12(2) of the FOIA.
6. The complainant requested an internal review on 18 September 2020.
7. The MPS provided an internal review on 15 October 2020. It maintained its position.

## Scope of the case

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8. The complainant contacted the Commissioner on 28 October 2020 to complain about the way his request for information had been handled. His grounds of complaint were as follows:

*"In the attached statement released to the media it says that the police were warned of 530 UMEs in the capital in the space of one month.*

*I have repeatedly requested to see the data that it is based on.*

*Saying that the information is not held centrally does not make sense - as it must have been centralised at some point to calculate this number”.*

9. He later added:

*“... who wrote the press release... where did they get their data? How was it compiled?*

*... If they say it is not obvious... i think it would be easy to trace where they got the number from...*

*I imagine it was sent to the press team by someone that works with official statistics ... or on a certain team?*

*This could be easily checked by talking to whoever wrote the press release - or looking through emails that were sent and received by the press team at the time...*

*If they say that they did not base the figure that they published on data ... that sounds irresponsible / surprising / unlikely ... i think that it must have been based on something ... and to be transparent there is no reason why this information should not be published...”.*

10. The Commissioner will consider the citing of section 12(2) and the provision of advice and assistance below.

## **Reasons for decision**

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### **Section 12 – cost of compliance exceeds appropriate limit**

11. Section 12(2) provides that a public authority is not obliged to confirm or deny whether requested information is held if it estimates that to do so would incur costs in excess of the appropriate limit. In other words, if the cost of establishing whether information of the description specified in the request is held would be excessive, the public authority is not required to do so.
12. The appropriate limit is set at £450 for the MPS by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the fees regulations).
13. The fees regulations also provide that a cost estimate must be calculated at the rate of £25 per hour, giving an effective time limit of 18 hours, and specify the tasks that can be taken into account when forming a cost estimate as follows:

- determining whether the information is held;
  - locating the information, or a document containing it;
  - retrieving the information, or a document containing it; and
  - extracting the information from a document containing it.
14. Section 12(2) requires a public authority to *estimate* the cost of confirmation or denial, rather than to formulate an exact calculation. The question for the Commissioner here is whether the cost estimate by the MPS was reasonable. If it was, then section 12(2) was engaged and the MPS was not obliged to confirm or deny whether the requested information was held.
15. In response to the Commissioner's enquiries, the MPS advised as follows:

*"The figures within the press statement were obtained from an MPS system called CAD (Computer Aided Despatch), this is an electronic system that records incident records. It relates to police despatch and records activity at the time of the incident and records incident management.*

*The process the MPS uses to identify UME's (unlicensed music events) on CAD is by "flagging" the CAD as a "UME" incident. This will show the number of CADs that police have responded too that have the UME flag which assists in identifying UME calls/events. Basically, flagging places a code type, which is unique to UME calls that are received by the MPS. For example a member of the public will call police and inform the police operator that they believe a UME is occurring, providing police with details such as the location, details of the incident, number of people in attendance, what they are doing and possibly descriptions of any individuals. The MPS will create a CAD incident which will have a unique reference number with all the information provided, flag the incident as UME and then despatch the most appropriate and proportionate police response to the incident. Once police arrive on scene of the incident the CAD message will record actions taken by police during the management of the specific incident and eventually the CAD message will be closed with an outcome for example, no course for police action, words of advice given, any arrests made etc.*

*For clarity, the figure of 530 within the MPS press release does not relate to the number of raves but the number of CAD incidents recorded regarding UMEs. This is a mere snapshot of the number of UME's and not an exact figure as the figures could relate to multiple calls to one incident".*

16. The Commissioner asked the MPS to explain why it was not able to further break down the figures. It advised:

*"As explained within our internal review response dated 15/10/20 there may be several calls relating to one event. Meaning that more than one person can call police multiple times to notify police of the UME (same location/incident). All these calls will be linked to the original call (CAD message). As a result the outcome could be that the initial call was not a UME instead a house party, persons gathering or other events which do not resemble a UME. Therefore we would need to review each CAD message to confirm the information requested.*

*If the MPS were in a position to break down the UME's to location, date and action taken by police we would in effective be providing a list of vulnerable, often insecure premises that would be targets for further UMEs potentially engaging further exemptions".*

17. The MPS went on to explain the processes that would be required to locate and extract any information held:

*"We would firstly have to obtain a list of the 530 CAD messages in question, then we would have to manually open each recorded CAD incident and read to confirm the location, date and action taken. Some CAD messages may be linked to other messages for example we may have received several calls by several different members of the public when in fact it is only one incident with several CAD messages. We would then have to manually search the outcome of each incident as the outcomes can vary from 'no course for police action, advice given, arrests made, intelligence obtained' whereby we would then have to search other MPS databases in order to establish the final outcome as we do not have a central database which would record the level of detail required.*

*For each CAD message we would have to read and potentially cross reference with other systems to determine exactly what action was taken (if any) and which cads relate to the same event and which ones transpired not to be UME's as we do not have a central database to locate the information with the level of detail required.*

*MPS databases which would potentially require searching are as follows:-*

**CAD** (Computer Aided Despatch) this is an electronic system that records incident records. Relates to police despatch and records activity at the time of the incident and incident management.

**NSPIS** (National Strategy for Police Information Systems) this system is an electronic custody record. The user will record the arrested individual's details which will provide an accurate detail of the person's detention.

**CRIS** (Crime reporting information system) this system is an electronic management system for the recording and processing of crime in the MPS. A record will be created to record any allegations of crime.

**CRIMINT** (Criminal intelligence system) this system is an intelligence database which collects, evaluates and develops intelligence.

We would also need to check logs on our Public Order Operation Debriefs Public Order Logs (which are both physical paper logs and electronic logs).

For the MPS to search 530 CAD messages would result in the MPS spending approximately 44 hours and 10 minutes which we believe to be a reasonable estimate.

$(530 \text{ cad messages} \times 5 \text{ minutes (conservative estimate)}) / 60 \text{ minutes} = 44 \text{ hours and } 10 \text{ minutes}$ .

The MPS wish to stress the 5 minutes estimated is actually a very generous time as this does not include the additional time that would be required to interrogate other MPS databases.

Even will an exceptionally generous time of 3 minutes per cad message would result in 26 hours and 30 minutes which would still exceed the 18 hours permitted by legislation.

Section 12(2) provides that a public authority is not obliged to confirm or deny whether the requested information is held if it estimates that to do so would incur costs in excess of the appropriate limit. In other words, if the cost of establishing whether the requested information is held would be excessive, the public authority is not required to do so.

The MPS is therefore unable to comply with the request by virtue of Section 12(2) of the Act as in order to determine if the information is held, locate, retrieve and extract the information being requested would exceed the 18 hour time limit".

18. The MPS has demonstrated that the information requested is not readily accessible and is not held in one system. Having considered the estimate above, the Commissioner considers it to be a reasonable one and supported by the tasks that the MPS would have to complete to ascertain whether it held the information in respect of each event. The Commissioner therefore concludes that section 12(2) of the FOIA is engaged and the MPS was not obliged to confirm or deny whether it holds all of the information requested.

## Section 16 – advice and assistance

19. Section 16(1) of the FOIA provides that a public authority is required to provide advice and assistance to any individual making an information request. In general, where section 12 is cited, in order to comply with this duty a public authority should advise the requester as to how their request could be refined to bring it within the cost limit, albeit that the Commissioner does recognise that where a request is far in excess of the limit, it may not be practical to provide any useful advice.
20. The MPS provided advice and assistance to the complainant which included the following:

*"It should be noted that an UME could have been organised / planned but did not take place. Additionally, the number of UMEs recorded may relate to several calls about one event or it may have transpired that a call advising police of a UME may be incorrect and may instead relate to an event such as a house party.*

*Even if your request were reduced significantly, it is likely that other FOIA exemptions would apply. The information you have requested would have to be heavily redacted as it relates to intelligence and information given to police in confidence. Additionally, personal information such as names of informants, witnesses, event organisers, private land addresses etc. would have to be removed.*

*If the MPS were to release a full list of UMEs, individuals would be able to use the list to decide where to hold (and where not to hold) the next UME. They would also be able to identify UMEs which were not on the list, thereby using the same strategies to avoid detection. This would undermine the MPS' law enforcement role".*

21. It also provided a link to the MPS's UME policy<sup>1</sup>.
22. The Commissioner is satisfied that the MPS has tried to explain how it holds its information and has thereby provided advice and assistance to the complainant; the additional detail provided in this notice should further assist. Accordingly she finds that it has complied with its duties under section 16.

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<sup>1</sup> <https://www.met.police.uk/SysSiteAssets/foi-media/metropolitan-police/policies/strategy--governance---unlicensed-music-events-raves---policy-statement>

## Other matters

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23. The Commissioner notes that the press statement refers to 530 'events' whereas the MPS has advised above that:

*"... the figure of 530 within the MPS press release does not relate to the number of raves but the number of CAD incidents recorded regarding UMEs".*

24. As these statements appeared contradictory she sought further clarification.

25. The MPS confirmed:

*"The figure is open to interpretation and doesn't [sic], as we have said, necessarily mean 530 distinct incidents as it is an indicative figure. Although, without delving into the CADs themselves we can't necessarily know this for certain".*

26. It would have been helpful were this anomaly clarified to the complainant at an earlier stage.



## Right of appeal

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27. 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: 0203 936 8963

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)

28. 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.
29. 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**