

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 14 December 2022

**Public Authority:** Commissioner of Police of the Metropolis  
**Address:** New Scotland Yard  
Broadway  
London  
SW1H 0BG

### Decision (including any steps ordered)

---

1. The complainant has requested a copy of the latest version of the Gangs Operating Model from the Metropolitan Police Service (the "MPS"). The MPS advised that it did not hold such a document, although it did hold a draft document which was not officially signed off and not used.
2. The Commissioner's decision is that the draft document was caught within the scope of the request.
3. The Commissioner would ordinarily require the MPS to either disclose the draft document or issue a valid refusal notice under section 17 of FOIA. However, he is considering a further complaint from the complainant under reference IC-187488-P9X0, which concerns its actual disclosure and so no steps are ordered in this notice.

### Request and response

---

4. On 21 November 2021, the complainant wrote to the MPS and requested information in the following terms:  

"I would like to request a copy of the latest version of the Gangs Operating Model (GOM), which is a policing manual on tackling gangs through enforcement and diversion".

5. On 9 February 2022, the MPS responded. It provided some general information about the subject matter but advised that it did not hold a GOM.
6. The complainant requested an internal review on 9 March 2022. When doing so he said:

"The GOM is referenced in multiple public documents published by the Met Police.

Here is an example of one:

<https://ico.org.uk/media/action-weve-taken/enforcement-notices/2260336/metropolitan-police-service-20181113.pdf>

On page 3 it says: "The MPS approach to tackling gang crime is set out in the 'Gangs Operating Model', but the implementation of the Model is the responsibility of the 32 individual Boroughs within the MPS".

7. The MPS provided an internal review on 14 April 2022 in which it maintained its original position. However, it did advise that it had located a version of the GOM dated 2017, but that this was a "draft document which was not officially signed off and not used in the MPS".

## **Scope of the case**

---

8. The complainant contacted the Commissioner on 14 April 2022. He said:

"I requested the 'latest version of the Gangs Operating Model'. According to the Met's reply this is the one that was used in 2018. I would like them to send this to me".
9. The Commissioner will consider the MPS' interpretation of the request and whether or not the information it holds falls within the scope of the request below.

## **Reasons for decision**

---

### **Section 8 – request for information**

10. Section 8 of the FOIA deals with the validity of requests for information and states:

"...any reference to "a request for information" is a reference to such a request which-

- (a) is in writing,
- (b) states the name of the applicant and an address for correspondence, and
- (c) describes the information requested".

11. The MPS does not consider that the information it has located falls within the scope of the complainant's request. This is on the premise that it was a draft and was not formally adopted for use.
12. Section 84 of FOIA defines 'information' for the purposes of section 1(1) of FOIA (ie information which an applicant can request under FOIA) as "information recorded in any form...".
13. Therefore, not only must the complainant's request satisfy the criteria in section 8 of FOIA, it must also be a request for recorded information in order to constitute a valid request for information under FOIA.
14. In his guidance on section 8, the Commissioner states:

"There is a low threshold for meeting the requirement to describe the information. A description will be valid if it contains sufficient detail for the requested information to be distinguished from other information held by the authority".
15. The Commissioner also acknowledges that a request in the form of a question will be valid under section 8(1)(c), provided it still describes distinguishing characteristics of the information.

### **The Commissioner's view**

16. The Commissioner considers that it should be clear to the MPS that the complainant is seeking recorded information about its 'latest' Gangs Operating Model, something he has read about online .Whilst the MPS has advised that it only holds a 'draft' copy of this, the Commissioner considers that this draft clearly falls within the scope of the request as it is the 'latest' version available.
17. It follows that the Commissioner is satisfied that the 'draft' copy of the GOM falls within the scope of the request and the MPS should have considered its disclosure accordingly.
18. As set out in paragraph 3, above, the Commissioner has considered whether or not the information is suitable for disclosure separately, under reference IC-187488-P9X0.

## Right of appeal

---

19. 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)

20. 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.
21. 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**