

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

### **Decision notice**

**Date:** 3 April 2023

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

#### **Decision (including any steps ordered)**

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1. The complainant has requested information about MK ULTRA, v2k technology and Covert Human Intelligence Services from the Metropolitan Police Service (the "MPS"). The MPS advised that to ascertain whether or not the requested information was held would exceed the cost limit at section 12(2) (Cost of compliance exceeds appropriate limit) of FOIA.
2. The Commissioner's decision is that it was entitled to rely on section 12(2) and that it complied with its duties under section 16 (Advice and assistance) of FOIA. No steps are required.

#### **Request and response**

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3. On 2 September 2022, the complainant wrote to the MPS and requested the following information:
  - "1. Whether the Metropolitan Police Service (MPS) have any knowledge of the CIA's MK ULTRA, or similar projects being carried out in the UK or worldwide and whether consent was obtained to carry out such activities.
  2. [no content]

3. Whether the MPS are aware of v2k technology (mind control) and are the MPS utilising Covert Human Intelligence Services (CHIS) in conjunction with the secret service (Mi5)".
4. On 1 October 2022, the MPS responded. It advised that to determine whether this information was held would exceed the cost limit at section 12(2) of FOIA.
5. By way of advice and assistance, the MPS added that it would be able to consider the following part of the complainant's request for information, in isolation, within the cost limit: "are the MPS utilising Covert Human Intelligence Services (CHIS) in conjunction with the secret service (Mi5)". However, in this regard, it advised that it would issue a response in which it would neither confirm nor deny whether the information was held. It asked her to resubmit this part of her request if she wished.
6. On 11 January 2023, the complainant wrote to the MPS chasing a response, as it appeared that she may not have received the refusal notice. On 17 January 2023, the MPS provided a further copy of the refusal notice to her, confirming it had been sent on 1 October 2022.
7. The complainant requested an internal review on 3 February 2023. She did not reduce the scope of her original request, and said:

"I would like to request an internal review of this matter. Reason being, is that I have reason to believe that the Metropolitan Police are aware of and are using MK ULTRA on unwitting civilians, including myself where I have been targeted.

It is alleged that the Metropolitan police are colluding with the secret services in a covert torture programme and I have requested information pertaining to the same".
8. The MPS provided an internal review on 20 February 2023 in which it maintained its position.

## **Scope of the case**

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9. The complainant contacted the Commissioner on 22 February 2023 to complain about the way her request for information had been handled. She said:

"I am not [sic] dissatisfied with the response to my complaint. They have stated that the cost to search their database exceeds their budget. I have requested information on whether they are aware of MK Ultra. This does not require an extensive search of their database. They also did not respond to my second point of my

request regarding v2k and whether the Met have utilised this on civilians. I believe they are failing to provide the information due to collusion with the secret services, where I have received credible information pertaining to the same”.

10. The Commissioner will consider the citing of section 12(2) below.

## Reasons for decision

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### Aggregation of requests

11. Multiple questions within a single item of correspondence are considered to be separate requests for the purpose of section 12. In the present case, this means that there are two requests to be considered. However, where requests relate to the same overarching theme, a public authority may aggregate two or more separate requests in accordance with the conditions laid out in The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the “Fees Regulations”). Any unrelated requests should be dealt with separately for the purposes of determining whether the appropriate limit is exceeded.

12. In the Commissioner’s guidance<sup>1</sup> on exceeding the cost limits, he explains that:

“Regulation 5(2) of the Fees Regulations requires that the requests which are aggregated relate “to any extent” to the same or similar information. This is quite a wide test but public authorities should still ensure that the requests meet this requirement.

A public authority needs to consider each case on its own facts but requests are likely to relate to the same or similar information where, for example, the requestor has expressly linked the requests, or where there is an overarching theme or common thread running between the requests in terms of the nature of the information that has been requested”.

13. The Fees Regulations wording of “relate, to any extent, to the same or similar information” makes clear that the requested information does not

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<sup>1</sup> [https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

need to be closely linked to be aggregated, only that the requests can be linked.

14. Although the MPS did not specifically address this point, having considered the wording of the complainant's request, the Commissioner is satisfied that there is an overarching theme. This is because the two parts of the request refer to MK ULTRA and v2k technology, both, reportedly, types of "mind control". Therefore, the MPS was entitled to aggregate the costs of dealing with each question.

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

15. This reasoning covers the MPS' reliance on section 12(2) of FOIA to refuse the request and whether there was a breach of section 16(1).
16. Under section 1(1) of FOIA, a public authority must confirm whether it holds information that has been requested.
17. However, under section 12(2) a public authority is not required to comply with section 1(1) if the cost of establishing whether or not it holds the requested information would exceed the appropriate cost limit. This is set at £450 (18 hours work at £25 per hour) in the case of the MPS.
18. The MPS has explained to the Commissioner:

"In order to attempt to initially locate any held recorded information, I made some direct enquiries with various units in the MPS which resulted in the requested information not being held or not known if it was held by the MPS. As we are unable to confirm with absolute certainty the requested information is not held a search was then conducted on our Integrated Information Platform (IIP) which is a tool used to search across all MPS systems (CAD, CUSTODY, CRIMINT, CRIS, MERLIN & STOPS) for information. A keyword search with the term '**Ultra**' returned 31,667 hits.

A dip sample exercise was then undertaken which resulted in Samsung **Ultra** phones stolen and other terms included such as 45 **Ultra** sheer lotion, **Ultra** low emission zone, Viabiotics **Ultra** (vitamins) and Thames Path **Ultra** challenge just to name a few. No exact hits came back with MK Ultra therefore the MPS would have to review all 31,667 hits in order to confirm we hold any information in relation to MK Ultra.

If the MPS were to read all the 31,667 hits which were returned on our IIP search this would take a member of staff **1,055 hours and 34 minutes** (at 2 minutes per record which is an extremely conservative estimate) to determine if the MPS held the requested information relevant to this request (i.e. if the met **are aware** or

have **any knowledge** of the MK Ultra or **similar** projects. Whilst also this calculation does not include emails or any written records held anywhere throughout the MPS which would still exceed the 18 hours provision.

As mentioned within our previous responses, the request is extremely broad and would require extensive searches across the MPS to determine if any information is held relevant to the request. There is not an automatic or an easy means of searching for the information requested. Both manual and electronic records would have to be searched. The MPS has multiple databases and paper records which would have to be searched.

As described within our internal review, even if the request was limited to searching one of our databases for example crime reports held on our CRIS (Crime Reporting Information System) database, this would still be an onerous task.

The MPS does not record the level of detail required within an indexed field which is searchable by automatic means. There is not a coded variable for our data analysts to do automatic search for the terms and information requested. Therefore it would be necessary to search for information recorded in a non-standardised manner within free text fields in order to ascertain the extent of the information held. Then locate, retrieve and extract the information.

The MPS is therefore unable to comply with section 1(1)(a) and can neither confirm nor deny whether we hold the information requested as to ascertain that fact will exceed the fees limit<sup>2</sup>”.

19. The Commissioner has considered the MPS’s submissions, the broad, undated range of the request and the types of searches that the MPS has conducted in an effort to ascertain whether or not any information is held.
20. He considers that the searches the MPS has carried out were appropriate and that its time estimates for further searches are credible based on the rationale it has provided above. The Commissioner’s decision is that it would take in excess of 18 hours for the MPS to be able to confirm

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<sup>2</sup> [https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

definitively whether or not it holds the information the complainant has requested and that, as such, section 12(2) of FOIA is engaged.

## **Section 16 – Advice and assistance**

21. When refusing a request under section 12, a public authority needs to offer meaningful advice and assistance to the complainant, where reasonable. The aim of this advice and assistance is to help the complainant refine their request to one that might be able to be dealt with within the appropriate limit.
22. When initially refusing the request the MPS offered to deal with a refined request, were one submitted, albeit it indicated that this was unlikely to result in the disclosure of any information.
23. Looking at the broad nature of the request, the Commissioner doesn't see how the request could be meaningfully refined to allow the MPS to search its systems for any information it may hold within the cost limit. Therefore, the Commissioner is satisfied that there was no section 16(1) breach in this instance.

## **Other matters**

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24. Although they do not form part of this notice the Commissioner wishes to highlight the following.
25. In responding to the complainant's request for an internal review (see paragraph 7), the MPS commented:

"It is pertinent to note that in general, any response provided under FOIA is based on information **held** by the MPS. You appear to be seeking commentary and opinion from the MPS. This is not what the Freedom of Information Act was designed for. The review takes due regard to Section 84 of the Act which states:

'Information is defined in section 84 of the Act as 'information recorded in any form'. The Act therefore only extends to requests for recorded information. **It does not require public authorities to answer questions generally;** only if they already hold the answers in recorded form. **The Act does not extend to requests for information about policies or their implementation, or the merits or demerits of any proposal or action** - unless, of course, the answer to any such request is already held in recorded form.'

If you have a specific complaint to make regarding MPS officer(s) or a specific incident(s), you can make a complaint using the following link: <https://www.met.police.uk/fo/feedback/>".

26. As it had no direct bearing on the citing of section 12(2), and it was not a point raised by the complainant, the Commissioner did not consider it further. However, the Commissioner wishes to record that he agrees with the MPS' comments.
27. He also notes that the MPS has offered an alternative action for the complainant to take, if she wishes, which he considers to be a demonstration of additional advice and assistance.

## Right of appeal

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28. 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)

29. 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.

30. 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  
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SK9 5AF**