

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 April 2014

Public Authority: Commissioner of the Metropolitan Police Service

Address: New Scotland Yard
Broadway
London
SW1H 0BG

Decision (including any steps ordered)

1. The complainant has requested an impact assessment and related information. The Metropolitan Police Service (the "MPS") has continued to extend the deadline for providing a response but has not yet provided one. The Commissioner's decision is that the MPS has failed to provide a response to the request within the statutory time frame of 20 working days. He requires it to comply with the request or issue a valid refusal notice as set out in section 17 of the FOIA.
2. The MPS must take these steps 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

3. On 2 December 2013, the complainant wrote to the MPS and requested information in the following terms:

"The Tottenham Hotspur Supporters' Trust and THFC met with Chief Superintendent [sic] Mick Johnson on 21 October 2013. In this

meeting CS Johnson informed us that an impact assessment had taken place in the local area which related to use of the word 'yid'. I would like a copy of this impact assessment and any policy or strategy it relates to, as well as any other such assessment, policy or strategy relating to the use of this word including, but not exclusively, by Tottenham Hotspur fans. I would ideally like this information going back for five years. However, if this is not possible within the specified time period, two years would suffice”.

4. The MPS acknowledged the request on 27 December 2013. It advised that it needed more time to consider the public interest, citing sections 30, 31 and 40 of the FOIA.
5. To date a response remains outstanding, although the MPS has continued to advise the complainant that it is still considering the public interest.

Scope of the case

6. The complainant contacted the Commissioner on 5 February 2014 to complain about the way her request for information had been handled, specifically that she was still awaiting a substantive response.
7. The Commissioner has confirmed that this remains outstanding.

Reasons for decision

Section 10 – time for compliance

8. Section 10(1) of the FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
9. From the information provided to the Information Commissioner in this case it is evident that the MPS did not respond to the complainant within the statutory time frame and so it is in breach of section 10(1) of the FOIA.

Section 17 – refusal of request

10. The MPS issued a notice under section 17(3) of the FOIA. This allows a public authority to provide its public interest determination in a separate notice *“within such time as is reasonable in the circumstances”*.

11. The Commissioner has issued guidance on this point¹ which includes the following:

"...our view is that an authority should take no more than an additional 20 working days to consider the public interest, meaning that the total time spent dealing with the request should not exceed 40 working days."

12. In this case the Commissioner notes that the public authority has significantly exceeded the maximum 40 working days to consider the public interest test; he believes this to be unacceptable. No specific reasons were given for the delay.
13. The Commissioner therefore finds that the MPS has breached section 17(3) of FOIA because it did not provide the complainant with its public interest determination within such time as was reasonable.

¹http://ico.org.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/time-for-compliance-foia-guidance.pdf

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: 0116 249 4253

Email: GRC@hmcts.gsi.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

**Jon Manners
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**