

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 June 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 requested details of any policy regarding the use of twitter for making requests under the FOIA; the request was made via Twitter. The Metropolitan Police Service (the "MPS") failed to respond within the 20 working day limit thereby breaching section 10 of the FOIA. As it has since responded in full to the request no further steps are required.

Background

2. Twitter is a 'microblogging' platform which allows users to post short text messages (up to 140 characters in length) and converse with other users.

Request and response

3. On 15 February 2014 the complainant sent the following two part request via Twitter:

"@metpoliceuk FOI request: Please disclose your policy and procedure on FOI requests sent via twitter, and internal memos on this for (1/2)

*@metpoliceuk period from 2012 until the date of this request, in accordance with ICO guidance here
http://ico.org.uk/~media/documents/library/Freedom_of_Information/Practical_application/can_foi_requests_be_submitted_using_twitter.ashx Thank you (2/2)"*

4. Having received no further contact he chased a response on 2 March 2014.
5. Following contact with the Commissioner, the MPS was able to trace the first Twitter message. It provided the complainant with a response.
6. The MPS also made the following submission to the Commissioner regarding its handling of the request:

"The MPS have one of the most followed public sector Twitter accounts in the UK, and the most followed emergency service account in the UK with more than 200k followers and in May 2014 there were 14,635 'mentions' of @metpoliceuk on Twitter - that's an average of 472 mentions per day.

However, in relation to the circumstances of this case the MPS, going forward, has put in place additional measures to ensure that the MPS twitter account is monitored appropriately to ensure that we are compliant in respect of the requirements of Freedom of Information Legislation".

Scope of the case

7. The complainant contacted the Commissioner on 6 June 2014 to complain about the lack of response to his request. He advised that his request was being made partly to see whether or not the Commissioner's guidance¹ on the use of twitter for requests was being complied with.

¹http://ico.org.uk/~media/documents/library/Freedom_of_Information/Practical_application/can_foi_requests_be_submitted_using_twitter.ashx

8. As mentioned above, the MPS has now responded to the request. The complainant has advised the Commissioner that he is satisfied with that response but has indicated that he would still like a decision notice to record events. This investigation has therefore been limited to considering whether the MPS complied with the statutory time limits.

Reasons for decision

Section 10 – time for compliance

9. Section 10(1) of the FOIA provides that a public authority should comply with section 1(1) within 20 working days. Section 1(1)(a) requires a public authority in receipt of a request to confirm whether it holds the requested information.
10. The request was submitted on 15 February 2014 and the complainant did not receive the response, which provided the requested information, until 17 June 2014. The Commissioner therefore finds that the MPS has breached section 10(1) by failing to comply with section 1(1)(a) within the statutory time period.

Other matters

Requests via Twitter

11. The Commissioner's guidance (see foot note below) states that whilst Twitter is not the most effective channel for submitting or responding to freedom of information requests, provided certain criteria are met then a request may be valid for the purposes of the FOIA. These criteria were met on this occasion and the MPS was subsequently able to provide a response.
12. It is unfortunate that the processes in place did not allow the MPS to recognise this information request in a timely manner. However, the Commissioner notes the MPS's assurances that it has taken steps to ensure that this position does not recur.
13. The delay will be logged for monitoring purposes.

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
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