

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 7 February 2019

**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 requested information relating to a peer review of Greater Manchester Police carried out by the Metropolitan Police Service (MPS).
2. The Commissioner's decision is that the MPS failed to complete its deliberations on the balance of the public interest within a reasonable time and therefore breached section 17(3) of the FOIA. The Commissioner also finds that the MPS breached section 10(1) of the FOIA.
3. As a response has now been provided the Commissioner does not require the MPS to take any steps.

### Request and response

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4. On 23 August 2018, the complainant wrote to the MPS and requested information in the following terms:

*"1. a. Copy of all email and letter correspondence between DAC [name redacted] and DCC [name redacted] where the communication contains reference to the Peer Review.*

*b. Copy of all email and letter correspondence between Supt [name redacted] and any GMP officer where the communication contains reference to the Peer Review.*

*NB: In response to journalistic enquiries made of GMP's press office, it has been confirmed that DAC [name redacted] and DCC [name redacted] were the two senior officers whom, between them, agreed the Terms of Reference for the Peer Review. In a previous FOI request finalisation on the WhatDoTheyKnow website, GMP disclosed that Supt [name redacted] was the officer who carried out the Peer Review.*

*2. Copy of Terms of Reference*

*3. Copy of Final Report delivered by MPS to GMP on 22nd December, 2016.*

*4. Copy of any response(s) received by MPS from GMP after the delivery of the Peer Review.*

*5. Copy of amended Peer Review, if any such amendments were made."*

5. The MPS acknowledged the request on 3 September 2018.
6. Without explicitly confirming whether it held information within the scope of the request, the MPS wrote to the complainant again on 20 September 2018 to confirm that it required additional time in order to consider the balance of the public interest in relation to the exemption at section 31 (Law enforcement). It confirmed that it expected to be able to provide a response by 20 October 2018.
7. On 8 January 2019 the MPS provided its response to the request.

## **Scope of the case**

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8. The complainant contacted the Commissioner on 26 October 2018 to complain about the MPS's failure to respond to his information request.
9. On 14 November 2018 the Commissioner wrote to the MPS, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 20 working days.
10. Despite this intervention the MPS failed to provide its response until 8 January 2019.

11. The scope of this decision notice is to determine whether the delay in responding to the request was reasonable in the circumstances.

## Reasons for decision

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12. Section 1 of the FOIA states that:

*"Any person making a request for information to a public authority is entitled –*

*(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*

*(b) if that is the case, to have that information communicated to him."*

13. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt."*
14. Under section 10(3) of the FOIA, where necessary, a public authority may extend the time for compliance *"until such time as is reasonable in the circumstances"* in order to properly consider the balance of the public interest.
15. Section 17(3) of the FOIA states that where a public authority is relying on a qualified exemption, it can have a "reasonable" extension of time to consider the public interest in maintaining the exemption or disclosing the information.
16. Although the FOIA does not define what constitutes a reasonable time, the Commissioner considers it reasonable to extend the time to provide a full response, including public interest considerations, by up to a further 20 working days. This means that the total time spent dealing with the request should not exceed 40 working days, unless there are exceptional circumstances. A public authority would need to fully justify any extension beyond 40 working days.
17. In this case, the total time taken by the MPS exceeded 90 working days. The Commissioner does not consider there to be any exceptional circumstances to warrant this delay and finds that, by failing to complete its deliberations on the public interest within a reasonable time frame, the MPS did not comply with section 17(3) of the FOIA.

18. The Commissioner also finds that the MPS breached section 10(1) of the FOIA.
19. As the MPS has now issued a response to the request the Commissioner does not require it to take any steps.

## Right of appeal

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20. 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: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

21. 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.
22. 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 .....**

**Ben Tomes  
Team Manager  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**