

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 June 2019

Public Authority: Commissioner of the City of London Police

Address: PO Box 36451
182 Bishopsgate
London
EC2M 4WN

Decision (including any steps ordered)

1. The complainant requested information relating to a scoring system he believes is used by Action Fraud to determine whether reports of fraud warrant further investigation.
2. The Commissioner's decision is that the City of London Police has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the City of London Police to take the following step to ensure compliance with the legislation.
 - The City of London Police must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The City of London Police must take this step 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

5. On 4 March 2019, the complainant wrote to the City of London Police and requested information in the following terms:

"[name redacted] in his email of 28.2.19 also refers to a scoring system applied by Action Fraud ('scored too low'). I question whether the Home Office and City of London Police legally are entitled to apply a scoring system and I would kindly invite the provision of details of the precise legal basis for the same. [...]"

Even in a scoring system is legally justifiable, contrary to what [name redacted] says in his email of 28.2.19 about not revealing these factors for 'operational reasons', I would maintain that this information is legally accessible under the Freedom of Information Act 2000, not being exempt thereunder and I hereby make such a request for the supply of the same. People reasonably should be entitled to know whether in making a report themselves using Action Fraud's online tool or asking the Police to do so, they are wasting their time."

6. The complainant contacted the City of London Police again on 18 April 2019 as he had not received any response to the request.
7. On 25 April 2019 the City of London Police replied to the complainant referring him to their website to submit his information request. It also stated *"while you are welcome to formally make such a request, I can advise that s31 will apply in respect of the information you are seeking."* The Commissioner notes that this response does not comply with the requirements of the FOIA.
8. The complainant responded on the same date, 25 April 2019, to confirm that by writing to the City of London Police on 4 March 2019 he had already made a formal request for information. The City of London Police replied, directing the complainant to raise his concerns with the Information Commissioner's Office.

Scope of the case

9. The complainant contacted the Commissioner on 2 May 2019 to complain about the City of London Police's failure to respond to his information request.

10. On 16 May 2019 the Commissioner wrote to the City of London Police, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
11. Despite this intervention the City of London Police has failed to respond to the complainant.
12. The Commissioner has considered whether the City of London Police has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

13. Section 1(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."

14. 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."*
15. From the evidence provided to the Commissioner in this case, it is clear that the City of London Police did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the City of London Police has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

Other matters

16. For a request to be valid under the FOIA it must be made in writing. However, there is no requirement for the requester to direct their request to a designated member of staff or department within the public authority.
17. The Commissioner notes the City of London Police's poor handling of this request. The City of London Police should be aware that if a request is

sent to a valid address for the public authority, this will be considered to have been received and it cannot insist that the requester submits the request via specific means.

Right of appeal

18. 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@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

19. 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.
20. 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
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