

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 July 2019

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 information relating to the Self Evident App.
2. The Commissioner's decision is that the Metropolitan Police Service (MPS) 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 MPS to take the following step to ensure compliance with the legislation.
 - The MPS must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The MPS 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 8 March 2019, the complainant wrote to the MPS and requested information in the following terms:

"We request that you provide us under FOIA the annual or other figure that led you to conclude that Self Evident 'cannot be justified for us because of the overall costs'. As we never discussed the costs of the App with the Met and so are in the dark as to what this figure is, we also ask to see how it was arrived at. Linked to this and as we believe it relates directly to the costs of obtaining the digital evidence that you now appeal for, we also request those parts of the Met's analysis that DAC [name redacted] told us on 7th September showed that the savings the App will unlock are greater than those we ourselves had estimated."

6. The MPS acknowledged the request on 17 April 2019.
7. The complainant requested an update regarding the overdue response on 3 and 10 May 2019.
8. The MPS replied on 13 May 2019 to apologise for the continued delay to the request. It stated that it was managing a very high number of requests and was unable to provide an estimate as to when a response would be provided.
9. To date, the MPS has failed to provide a substantive response to the request.

Scope of the case

10. The complainant contacted the Commissioner on 23 May 2019 to complain about the MPS's failure to respond to his information request.
11. On 6 June 2019 the Commissioner wrote to the MPS, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
12. Despite this intervention the MPS has failed to respond to the complainant.
13. The Commissioner has considered whether the MPS has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

14. 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."

15. 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."*

16. From the evidence provided to the Commissioner in this case, it is clear that the MPS did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the MPS 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.

Right of appeal

17. 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

18. 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.
19. 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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SK9 5AF**