

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 6 December 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 from City of London Police about Action Fraud.
2. The Commissioner's decision is that 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 does not require any further steps to be taken.

Request and response

4. On 27 September 2019, the complainant wrote to City of London Police and requested information in the following terms:

"Dear City of London Police,

In a response to a FOIA request on here you provided a link to this document <https://ted.europa.eu/TED/notice/udl?uri...> which specifies in section V.5 that up to 40% of the £33.000.000 main contract is to be sub contracted, and that portion is specified as "The 'Action Fraud' element which comprises the initial capture of fraud reports from fraud victims and is carried out through the call center element will be sub-contracted. "

So £13,200,000 is apparently being paid to [name redacted] but there is no information regarding the sub contract apparently available to specify what if any service they are required to provide.

Please provide a copy of, or links to where a copy of, the sub contract covering their service may be accessed and viewed by the public, along with any details regarding the author(s) responsible for the provision of the contract if known.

In addition, on the "Action Fraud" website page here, <https://www.actionfraud.police.uk/press-...>, it specifies under the Additional Information section "Action Fraud is the UK's national reporting centre for fraud and financially-motivated cyber crime. It does not have investigation powers, the reports taken by Action Fraud are sent to the National Fraud Intelligence Bureau (NFIB) who collate and analyse intelligence on fraud, who then make the decision to send crimes to law enforcement. "

In light of that statement and the fact that Fraud is a criminal offence and is being reported as such, can you please provide any information held in respect to the following questions.

1 If Action Fraud is the National reporting centre for "fraud and financially-motivated cyber crime" can you please provide any information held regarding the reporting of Non Financially Motivated Cyber Crime i.e. what is the avenue for reporting it and where is that information available to the public?

2 Since Action Fraud have no Investigation powers why are all fraud and financially motivated crimes being directed to a non investigatory body?

3 On this page <https://www.actionfraud.police.uk/news/a...> Action Fraud stated to the world that "Action Fraud today becomes part of the City of London Police" and that page is dated 1 April 2014

The City Of London Police are covered by the requirements of the Police Reform Act 2002 which states that it makes provision for " other persons serving with, or carrying out functions in relation to, the police; to amend police powers and to provide for the exercise of police powers by persons who are not police officers;" which would support the contention that Action Fraud is also bound by the requirements of the Police Reform Act 2002.

Please therefore provide any information held which specifies what if any provisions of the PRA 2002 are indeed applicable to Action Fraud and also which person is responsible for ensuring that the staff at Action Fraud are in compliance?

4 The requirements under the PRA 2002 mandate that any allegation or complaint made to "police" would require that the organisation in receipt of the allegation / complaint should make a

recording decision within 10 working days, and that decision should be communicated formally to the originator within a further 5 working days.

As previously specified Action Fraud are the recipient of all criminal allegations of Fraud and financially motivated cyber crime from the public.

Please therefore provide any documentation which gives authority for Action Fraud to ignore the requirements to provide a recording decision in relation to every report made to them, and instead to provide a standard message that the originator will be contacted in 8-12 weeks time by the NFIB, a decision which is not a recording decision but simply a decision to pass the original allegation to the investigatory body.

5a Please provide any records held regarding complaints submitted regarding Action Fraud, to be broken down as per the complaints document here <https://data.actionfraud.police.uk/cms/w...> along with any internal complaints investigation processes held by Action Fraud or the CoLP.

5b Please specify any information held which details how many complaints have been recorded, along with any division as to type etc.

5c How many of those complaints were dealt with by Action Fraud staff within the 20 working day time limit specified, and how many were dealt with by Action Fraud staff outside that time limit.

5d How many of those complaints were dealt with by CoLP staff within the 20 working day time limit and how many were dealt with by CoLP staff outside that time limit.

5e Of the complaints addressed by Action Fraud or CoLP staff under 5c and 5d how many complaints were then referred by the originator to PSD at CoLP and any timescale applicable for this complaints process within PSD.

6 In the acknowledgement emails sent out by Action Fraud upon receipt of my complaint, which bear the name [name redacted] it stated " Please accept our apologies for the matters you have raised. Each call made by yourself will be listened to by a senior member of staff. This will then be investigated via our internal processes for appropriate action to be taken. "

A subsequent update then went on to specify " We would again like to reiterate that your complaints have been taken seriously and

dealt with accordingly via Action Fraud's internal processes. We would further like to advise that we have been notified by the Action Fraud Service Development Manager that any issues that you would like to raise should be raised to your Specific Point of Contact, being [name redacted]."

In response to a FOIA request sent directly to [name redacted] I requested a copy of the "Internal Processes" for the investigation of complaints only to be told by both [name redacted] and the FOIA Dept of the CoLP that no such processes exist.

Please disclose if held any information regarding any "internal Processes" and or any information which would explain why the titular head of the action fraud organisation is signing documents referring to a complaints investigation process that does not in fact exist."

5. City of London Police acknowledged the request on 27 September 2019. A substantive response was issued on 3 December 2019.

Scope of the case

6. The complainant contacted the Commissioner on 28 October 2019 to complain about City of London Police's failure to respond to their request.
7. The Commissioner has considered whether 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

8. 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."

9. 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"*.
10. On 13 November 2019 the Commissioner wrote to 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. Following this intervention City of London Police provided a response on 3 December 2019.
12. From the evidence provided to the Commissioner in this case, it is clear that City of London Police did not deal with the request for information in accordance with the FOIA. The Commissioner finds that City of London Police has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

13. 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

14. 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.
15. 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

**Phillip Angell
Group Manager
Information Commissioner's Office
Wycliffe House
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Wilmslow
Cheshire
SK9 5AF**