

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 23 June 2021

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 from the Metropolitan Police Service (the MPS) about a specified document. By the date of this notice the MPS had not issued a substantive response to this request.
2. The Commissioner's decision is that the 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 provide 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 13 March 2021, the complainant wrote to the MPS and requested information in the following terms:

"Please can you disclose an electronic copy of the "Operation Pima document" referred to here: [Twitter web link]"

6. The MPS acknowledged the request on 13 March 2021.
7. The MPS requested clarification of the request on 8 April 2021. On 8 April 2021, the complainant wrote to the MPS to clarify their request in the following terms:

"In paragraph 9 of the judgment, Mr Justice [name redacted] referred to "a lengthy document called "Gold Strategy Op PIMA, as a response to the COVID-19 pandemic. This document is version 9 and it is dated 6 January 2021."

8. The MPS acknowledged the clarified request on 8 April 2021. To date, a substantive response to the request has not been issued.

Scope of the case

9. The complainant contacted the Commissioner on 11 May 2021 to complain about the MPS' failure to respond to their request.
10. 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

11. 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."

12. 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"*.
13. On 8 June 2021 the Commissioner wrote to the MPS, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
14. Despite this intervention the MPS has failed to respond to the complainant.
15. 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

16. 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: 0203 936 8963
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

17. 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.
18. 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

Susan Duffy
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF