

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 August 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 policies and procedures for police officers driving police vehicles.
2. The Commissioner's decision is that the MPS failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the MPS to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The MPS must take these steps 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 19 April 2021, the complainant wrote to the MPS to make a Subject Access Request (DSAR) and also requested information under the Freedom of Information Act in the following terms:

"Please send me copies of all policies and procedures used by the MPS to direct police officers driving police vehicles how to drive and park the vehicles under their control, especially in residential areas"

6. The MPS wrote to the complainant on 23 April 2021 to acknowledge the request and seek clarification. The complainant provided additional information to the MPS that same day.
7. On 27 April 2021, the MPS wrote to the complainant again to advise on an updated reference number for the DSAR element of his request, which does not form part of this notice.
8. On 27 May 2021, the complainant wrote to the MPS for an update on his FOIA request.
9. By the date of this notice, the MPS had not provided a substantive response to the request.

Scope of the case

10. The complainant contacted the Commissioner on 1 July 2021 to complain about the MPS's failure to respond to the request as well as a DSAR made at the same time.
11. The Commissioner contacted the MPS on 2 August 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant's FOIA request within 10 working days.
12. The Commissioner also contacted the complainant on 2 August 2021 to explain that the MPS had been given 10 working days from that date within which to provide a response to their request.
13. On 2 August 2021 and 3 August 2021, the complainant contacted the Commissioner to advise that the MPS had sent them another two copies of its acknowledgement of the request originally sent on 23 April 2021.
14. The scope of this notice and the following analysis is to consider whether the MPS has complied with section 10 of the FOIA.

Reasons for decision

15. 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.*

16. Section 10(1) of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

17. The MPS did not provide a substantive response to the FOIA request within 20 working days of receipt. Therefore, the Commissioner's decision is that the MPS has breached section 10 of the FOIA.

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: 0203 936 8963

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

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