

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 December 2022

Public Authority: Commissioner of Police of the Metropolis
Address: New Scotland Yard
Broadway
London
SW1H 0BG

Decision (including any steps ordered)

1. The complainant has requested specific training material related to Project Insight from the Metropolitan Police Service (the "MPS"). The MPS refused to provide the requested information, citing sections 31(1)(a) and (b) (Law enforcement) and 40(2) (Personal information) of FOIA.
2. During the Commissioner's investigation, the MPS revised its position. It advised that the requested information was not held. The Commissioner's decision is that, on the civil standard of the balance of probabilities, the requested information is not held. No steps are required.

Request and response

3. On 27 July 2022, the complainant wrote to the MPS and requested information in the following terms:

"I am interested in making a request based on information discussed in this article:

<https://www.college.police.uk/article/analysing-gang-related-music-linked-serious-violence>

The article says:

The Metropolitan Police designed training programme, Project Insight, was launched in 2021 to identify and train MPS personnel who have expertise in urban street gangs and slang.

I would like to request a copy of all training documents that are used by the Met as part of Project Insight and act as a dictionary or glossary to train officers in slang.

If you have any queries, please don't hesitate in getting in touch with me".

4. On 4 August 2022, the MPS responded. It refused to provide the requested information, citing sections 31(1)(a) and (b), and 40(2) of FOIA.
5. The complainant requested an internal review on 4 August 2022.
6. The MPS provided an internal review on 19 August 2022 in which it maintained its position.

Scope of the case

7. The complainant contacted the Commissioner on 22 August 2022 to complain about the way his request for information had been handled. The Commissioner required further information from him which was provided on 8 September 2022.
8. The complainant said: "I do not agree with the arguments set out in the Met's internal review".
9. When responding to the Commissioner's enquiries, the MPS revised its position and said that no such 'dictionary' or 'glossary' is held. The Commissioner understands that it tried to contact the complainant to discuss his case but that this was unsuccessful.

Reasons for decision

Section 8 – Request for information

10. Section 8(1) of FOIA defines a valid request for information under FOIA as a request which: (a) is in writing, (b) states the name of the applicant and an address for correspondence, and (c) describes the information requested.

11. Section 84 (Interpretation) of FOIA defines "information" as "...information recorded in any form".
12. Therefore, in order to constitute a valid request for information under FOIA, not only must the complainant's request satisfy the criteria in section 8 of FOIA, but it must also be a request for recorded information.
13. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of FOIA, which gives the public a general right of access to recorded information held by public authorities. However, FOIA does not require public authorities to generate information or to answer questions, provide explanations or give opinions, unless these are already held as recorded information.
14. The request in this case was made in writing and the complainant provided an address for correspondence. It follows that the only issue remaining for the Commissioner to consider is its validity in respect of whether it describes recorded information.
15. The Commissioner considers that a request will meet the requirements of section 8(1)(c) if it contains a sufficient description of the recorded information required.
16. The complainant does clearly ask for "a copy of all **training documents** that ... **act as a dictionary or glossary** to train officers in slang" (Commissioner's emphasis).
17. The Commissioner is satisfied that the request is therefore clearly specifying that it requires any 'dictionary' or 'glossary' that is used to train officers in their understanding of 'slang'. This is a literal interpretation of the request and the Commissioner considers that the MPS initially interpreted it too widely by trying to include **all** training material used as part of Project Insight, which is not what the complainant has asked for.
18. It is further noted that in its initial refusal notice, the MPS stated:

"It is not entirely clear from your request whether you are only seeking training documents that act as a dictionary or glossary or all training documents including those that act as a dictionary or glossary".
19. In response to this, when requesting an internal review, the complainant stated only: "If my request was unclear you should have asked for clarification and I could have sorted out any ambiguities". He did not

take the opportunity to clarify his request or respond to the point raised by the MPS.

20. In its internal review, the MPS said: "As mentioned in our response, we do not hold a dictionary or glossary to train officers in slang and the information that we do hold in respect of training materials is not suitable for disclosure...".
21. The complainant did not make any further reference to this when submitting his complainant to the Commissioner.
22. In the Commissioner's view, the request is clearly for a 'dictionary' or 'glossary' which is something the MPS has advised that it does not hold. The Commissioner will therefore go on to consider whether or not, on the civil standard of the balance of probabilities, the MPS does hold such a document.

Section 1 – general right of access

23. Section 1 of FOIA states that any person making a request for information is entitled to be informed by the public authority whether it holds that information and, if so, to have that information communicated to them.
24. In this case, the MPS' position is that it does not hold the requested information.
25. In cases where there is some dispute about the amount of information located by a public authority, the Commissioner – following the lead of a number of First-tier Tribunal decisions – applies the civil standard of the balance of probabilities. In essence, the Commissioner will determine whether it is likely, or unlikely, that the public authority holds information relevant to the complainant's request.
26. The Commissioner will consider the complainant's evidence and arguments. He will also consider the actions taken by the public authority to check whether the information is held and any other reasons offered by the public authority to explain why the information is not held. He will also consider any reason why it is inherently likely or unlikely that information is not held. For clarity, the Commissioner is not expected to prove categorically whether the information is held, he is only required to make a judgement on whether the information is held on the civil standard of proof of the balance of probabilities.
27. The Commissioner understands that the complainant has not had a full opportunity to put forward his views in this case. However, it is noted that he did not make any comment when seeking an internal review although interpretation of his request was referred to in the initial refusal notice. Nevertheless, the Commissioner does not consider that,

had the complainant been afforded a further opportunity to explain his position regarding the interpretation of his request, that his own view would have been any different to what he has determined above, ie that a clear interpretation of the request is as determined in paragraph 23.

28. Therefore, the Commissioner has sought to determine whether, on the balance of probabilities, the MPS holds any recorded information within the scope of the request. Accordingly, he asked the MPS what enquiries it had made in order to reach the view that it did not hold the information.
29. In a simple, clear response, the MPS advised the Commissioner that it had contacted the relevant team dealing with project and had been advised:

"... there is no dictionary or glossary used in the training of officers, they already have that knowledge themselves prior to the training".
30. The Commissioner also notes that the quote cited by the complainant in his request says that the training project was to "identify and train MPS personnel **who have expertise** in urban street gangs and slang", the implication here being that they are trying to identify personnel who already have such expertise. There is nothing in the statement to suggest they will be training staff in 'slang' so there would be no requirement for the sort of document suggested by the complainant.
31. The Commissioner considers that the MPS contacted the relevant party to consider whether or not any information was held in respect of the request. Based on the information provided, the Commissioner is satisfied that, on the balance of probabilities, no recorded information within the scope of the request is held. He is therefore satisfied that the MPS has complied with the requirements of section 1 of the FOIA in this case.

Right of appeal

32. 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

33. 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.

34. 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

**Carolyn Howes
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**