

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 18 February 2022

**Public Authority:** Commissioner of Police for the Metropolis

**Address:** New Scotland Yard  
Broadway  
London  
SW1H 0BG

#### **Decision (including any steps ordered)**

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1. The complainant submitted a request to the Metropolitan Police Service (the MPS) about bodycam footage. 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 failed to respond to the request within the statutory time frame of 20 working days and has therefore breached section 10(1) of FOIA.
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 duties under FOIA.
4. The MPS must take this step within 35 working 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

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5. On 7 September 2021, the complainant wrote to the MPS and requested information in the following terms:

“Please can I request a copy of [name and badge redacted] body-cam footage from when he attended my property today. I request this both under the Data Protection Ac[t] and the Freedom of Information Act. The crime reference is [number redacted]. Please note this is not in relation to the conduct of the officer, I just require this for legal purposes”.
6. The MPS acknowledged receipt of the initial request on 13 September 2021.
7. The complainant wrote again to request a response from the MPS on the 5 November 2021, 20 December 2021, and 17 January 2022.
8. The MPS acknowledged his correspondence again on the 11 November 2021. To date no substantive response has been received.

## Scope of the case

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9. The complainant contacted the Commissioner on 23 January 2022 to complain about the failure, by the MPS to respond to the request.
10. In line with his usual practice, the Commissioner contacted the MPS on 1 February 2022 to highlight the outstanding response. He requested that the MPS respond to the request within 10 working days.
11. The complainant contacted the Commissioner on 17 February 2022 to advise no response had been received.
12. Therefore, the scope of this notice and the following analysis is to consider whether the MPS has complied with section 10 of FOIA.

## Reasons for decision

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13. Section 1(1) of 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.

14. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such 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.
15. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under FOIA.
16. Section 10 of 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. From the evidence presented to the Commissioner in this case in failing to issue a response to the request within 20 working days, the MPS has breached section 10 of the FOIA.

## Right of appeal

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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: 0300 1234504

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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

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