

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 June 2023

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

Decision (including any steps ordered)

1. The complainant requested information about the processing of an FOI request they had previously made relating to specific critical incidents. By the date of this notice the Metropolitan Police Service ("MPS") had not issued a substantive response to this request.
2. The Commissioner's decision is that MPS has breached section 10(1) of 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 MPS to take the following step to ensure compliance with the legislation.
 - MPS must provide a substantive response to the request in accordance with its obligations under FOIA.
4. 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 15 March 2023 the complainant wrote to MPS and requested information in the following terms:

“Please provide me with copies of any internal or external correspondence (including text, chat and Teams messages conducted in the course of official duties), papers, notes (handwritten or otherwise) or minutes/agendas of meetings about the processing of my Freedom of Information request with the reference FOI [redacted] relating to CONNECT Critical Incidents.

This request, referred to by the ICO as a 'meta request' is not the same as a request for internal review, and is a distinct request under the Freedom of Information Act. An authority should not refuse a meta request because it has already carried out an internal review. For further information see the ICO's document: "Requests for information about requests (Meta_requests) 20140612". This is not a complaint, do not treat it as such.

For any exempted data contained within any responsive information held, please consider the exemptions specifically and individually rather than exempting any whole documents. Even if exemptions may exist against disclosing everything, it does not require you to disclose nothing.”

6. MPS acknowledged the request on 22 March 2023. To date, a substantive response has not been issued.

Reasons for decision

7. 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.”

8. Section 10(1) of 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”.

9. On 17 May 2023 the Commissioner wrote to MPS, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
10. Despite this intervention MPS has failed to respond to the complainant.
11. From the evidence provided to the Commissioner in this case, it is clear that MPS did not deal with the request for information in accordance with FOIA. The Commissioner finds that 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 FOIA.

Right of appeal

12. 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-regulatorychamber

13. 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.
14. 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

Michael Lea
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