

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

### **Decision notice**

**Date:** 15 June 2021

**Public Authority:** Commissioner of the Metropolitan Police Service

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

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

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1. The complainant requested copies of correspondence between the Commissioner of the Metropolitan Police and the Home Secretary between 1 June 2020 and 31 July 2020. The Metropolitan Police Service (MPS) had failed to provide a substantive response by the date of this notice.
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, in accordance with its obligations under the FOIA, to the request.
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

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5. On 21 January 2021, the complainant wrote to the MPS and requested information in the following terms:

*"Please could you provide me with copies of all written correspondence between Commissioner Cressida Dick and the Home Secretary, Priti Patel.*

*Please provide all such correspondence dated between 01 June 2020 and 31 July 2020.*

*If any of the contents of this correspondence is exempt from disclosure under the FOI Act, please blank-out the offending text so that the remainder of the documents can be released."*

6. The MPS acknowledged the request on 26 January 2021 but had failed to provide a substantive response by the date of this notice.

## Scope of the case

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7. The complainant contacted the Commissioner on 23 April 2021 to complain about the failure, by the MPS, to respond to the request.
8. In line with her usual practice, the Commissioner contacted the MPS on 21 May 2021 to highlight the outstanding response. She requested that the MPS respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
9. 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

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10. 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.*

11. Section 10 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.*"
12. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the MPS has breached section 10 of the FOIA.

### **Other matters**

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13. The Commissioner wishes to place on record her understanding of the immense pressures placed on public authorities during the coronavirus pandemic. She is sympathetic to the difficult decisions such authorities must make, between prioritising front-line services and continuing to meet their obligations under the FOIA.

## Right of appeal

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14. 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](mailto:grc@justice.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

15. 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.
16. 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 .....**

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