

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 August 2014

Public Authority: Commissioner of the Metropolitan Police
Service

Address: New Scotland Yard
Broadway
London
SW1H 0BG

Decision (including any steps ordered)

1. The complainant has requested information connected to a review which was published on 31 May 2012; to date he is yet to receive a substantive response. The Commissioner's decision is that the Metropolitan Police Service (the "MPS") has failed to provide a response to the request within the statutory time frame of 20 working days. He requires it to comply with the request or issue a valid refusal notice as set out in section 17 of the FOIA.
2. 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 Act and may be dealt with as a contempt of court.

Request and response

3. On 3 June 2014, the complainant wrote to the MPS and requested information in the following terms:

"Please provide copies of all drafts of a review published on May 31, 2012, by A/Detective Superintendent David Hurley in relation to

whether relevant material concerning corruption allegations was passed to the Stephen Lawrence Inquiry. Please provide copies of all communications from March 1, 2012, to June 2, 2012, between Mr Hurley and Peter Spindler in relation to the review."

4. On 30 June 2014 the MPS advised:

"I write to inform you that there will be a short delay in completing your request. The information required to process your request has been collated and I will review this information over the next few days. If any exemptions are applicable or if qualified exemptions apply when an extension is needed to consider the public interest test, I will write and let you know".

Scope of the case

5. The complainant contacted the Commissioner on 3 July 2014 to complain about the lack of formal response. He confirmed on 31 July 2014 that this remained outstanding.

Reasons for decision

6. The Commissioner considered whether the MPS has responded to the request in line with the provisions of the FOIA.
7. Despite the intervention of the Commissioner, by telephone call on 7 July 2014 and in writing on 16 July 2014, the MPS has not responded to the complainant's request for information.
8. Section 10(1) of the FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
9. From the information provided to the Commissioner in this case it is evident that the MPS did not respond to the complainant within the statutory time frame and so it is in breach of section 10(1) of the FOIA.

Other matters

10. This delay will be recorded for ongoing monitoring purposes.

Right of appeal

11. 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: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

12. 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.
13. 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

Jon Manners
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