

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 March 2019

Public Authority: Commissioner of the City of London Police

Address: PO Box 36451
182 Bishopsgate
London
EC2M 4WN

Decision (including any steps ordered)

1. The complainant requested information from the City of London Police relating to Action Fraud.
2. The Commissioner's decision is that the City of London Police has breached section 10(1) of the 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 the City of London Police to take the following step to ensure compliance with the legislation.
 - The City of London Police must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The City of London Police 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 the Act and may be dealt with as a contempt of court.

Request and response

5. On 1 January 2019, the complainant wrote to the City of London Police and requested information in the following terms:

"Under the Freedom of Information Act, individually for the four weeks from Nov 26th to Dec 21st 2018, I require to know the numbers of staff employed by the 'National fraud Intelligence Bureau' for the examination of the fraud reports made to 'Action Fraud' and the number that these figures convert to for 'Full time employees'?"

What was the weekly number of the reports made to 'Action Fraud' each week?

For each week, how many of these reports resulted in the police or the appropriate law enforcement organisation being asked to look into the reported fraud?

Also for each week, what were the percentage figures for the time taken to take the action of informing the applicant of this result from the time of 'Action Fraud' being in receipt of the report, in terms of being within 4 weeks, 5 weeks, 6 weeks, 7 weeks or '8 weeks and over'?"

6. The City of London Police acknowledged the request on the same day. However, to date, it has failed to provide a substantive response to the request.

Scope of the case

7. The complainant contacted the Commissioner on 29 January 2019 to complain about the City of London Police's failure to respond to his information request.
8. On 18 February 2019 the Commissioner wrote to the City of London Police, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
9. Despite this intervention the City of London Police has failed to respond to the complainant.
10. The Commissioner has considered whether the City of London Police has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

11. 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."

12. Section 10(1) of the 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."*

13. From the evidence provided to the Commissioner in this case, it is clear that the City of London Police did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the City of London Police 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 the FOIA.

Right of appeal

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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: 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

**Ben Tomes
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