

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 22 May 2019

**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 information about crimes reported on the Parliamentary estate.
2. The Commissioner's decision is that the Commissioner of the Metropolitan Police ("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, 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 1 March 2019, the complainant wrote to the MPS and requested information in the following terms:

*"For the years 2016, 2017, 2018 and the period 1<sup>st</sup> January 2019 to 28<sup>th</sup> February 2019, could you please tell me:*

[1] *The number of reported crimes on the Parliamentary Estate.*

[2] *A brief summary of each reported crime on the Parliamentary estate (ie. the details written in the MO field of the crime report).*

[3] *If it is within the time/cost limit set out by the FOI Act, the outcome of each crime report (ie. if a suspect was arrested, charged or no further action taken)."*

6. On 27 March 2019, the MPS issued a holding response noting that it was dealing with a high volume of requests and that it hoped to be in a position to respond by 17 May 2019. However it had failed to provide a substantive response by the date of this notice.

### **Scope of the case**

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7. The complainant first contacted the Commissioner on 9 April 2019 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 17 April 2019 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. After the MPS missed its deadline, the complainant informed the Commissioner that he was content to wait until 17 May 2019 before asking the Commissioner to take formal regulatory action. However, despite this further extension of time, the MPS has still been unable to produce a response and, in the circumstances, the Commissioner considers that a decision notice is now appropriate.
10. 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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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 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.*

13. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

14. 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."*

15. 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.

## Right of appeal

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16. 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)

17. 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.
18. 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**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**