Freedom of Information Act 2000 (FOIA)

Decision notice

Date: **5 February 2019**

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 copies of the printed material that appears in all police notebooks that are issued to officers.

2. The Commissioner's decision is that the Metropolitan Police Service (MPS) 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 MPS to take the following step to ensure compliance with the legislation.

    - The MPS must issue a substantive response to the request in accordance with its obligations under the FOIA.

4. The 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 the Act and may be dealt with as a contempt of court.

Request and response

5. On 4 November 2018, the complainant wrote to the MPS and requested information in the following terms:

> *"Please provide an electronic copy of all printed material that appears in the police notebooks you issue to officers. Obviously I do not require a copy of blank pages, but there appears to be some information contained on the covers/ in introductory pages"*

6. The MPS acknowledged the request on 12 November 2018, confirming it was received on 4 November 2018.

7. The complainant wrote to the MPS on a number of occasions chasing a response.

Scope of the case

8. The complainant contacted the Commissioner on 5 December 2018 to complain about the MPS's failure to respond to his information request.

9. On 4 January 2019 the Commissioner wrote to the MPS, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.

10. Despite this intervention the MPS has failed to respond to the complainant.

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 MPS did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the 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 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 .....

Carolyn Howes
Senior Case Officer
Information Commissioner's Office
Wycliffe House
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Wilmslow
Cheshire
SK9 5AF