

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 December 2016

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 about an investigation from the Metropolitan Police Service (the "MPS"). The MPS has failed to provide a response to the request within the statutory time frame of 20 working days. The Information Commissioner 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 22 September 2016 the complainant wrote to the MPS and requested information in the following terms:

"Please provide the following:

1) How many times in total did Metropolitan Police officers and/or civilian Met Police employees on the Kato Harris investigation team meet Sue Akers between 03/12/2014 and 25/07/2016;

2) Please provide the date of each and every meeting where Metropolitan Police officers and/or civilian staff on the Kato Harris investigation team met Ms Akers between 03/12/2014 and 25/07/2016;

3) Please provide copies of any minutes and/or records of each meeting and/or phone conversation with Ms Akers held by Metropolitan Police officers and/or civilian staff on the Kato Harris investigation team between 03/12/2014 and 25/07/2016. These copies can be redacted to withhold any details that might identify the victim. In particular, please disclose any records which mention any attempt by Ms Akers 'to give directions' to officers between 03/12/2014 and 25/07/2016;

4) Please provide any internal force emails between 03/12/2014 and 25/07/2016 where Metropolitan Police officers and/or civilian staff on the Kato Harris investigation team discuss Ms Akers' contact in relation to the Kato Harris investigation. These emails can be redacted to withhold any details that might identify the victim. In particular, please disclose any emails which detail any concerns from Metropolitan Police officers and/or civilian staff on the Kato Harris investigation team about Ms Akers' role in the investigation as a former senior Met Police employee, and:

5) Please provide any copies of any text messages sent by Ms Akers in relation to the Kato Harris investigation received by Metropolitan Police officers and/or civilian staff on the Kato Harris investigation between 03/12/2014 and 25/07/2016. These copies can be redacted to withhold any details that might identify the victim. In particular, please disclose any records which mention any attempt by Ms Akers 'to give directions' to officers or any messages which imply an attempt to access case records. I understand that under the Act, I should be entitled to a response within 20 working days. This deadline is Thursday, October 20th. Please attempt to meet it. I would be grateful if you could confirm in writing that you have received this request. I look forward to hearing from you in the near future."

4. On 26 September 2016 the MPS acknowledged receipt of the request. The complainant chased a response on 19 October 2016, 2 November 2016, 10 November 2016 and 17 November 2016. His emails were all acknowledged however, to date, no response has been received.

Scope of the case

5. The complainant contacted the Commissioner on 14 November 2016 to complain about the lack of response to his request.
6. The Commissioner contacted the MPS on 22 November 2016 to query the non-response. She was advised that a response would be sent by no later than 7 December 2016.
7. No substantive response to the request has been provided by the date of this notice.

Reasons for decision

Section 10 – time for compliance

8. The Commissioner considered whether the MPS has responded to the request of 22 September 2016 in line with the provisions of the FOIA.
9. Despite the intervention of the Commissioner, and its assurances that a response would be sent no later than 7 December 2016, the MPS has not yet responded to the complainant's request for information.
10. 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.
11. 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. The MPS is now required to respond to the request in accordance with the FOIA.

Other matters

12. As well as finding above that the MPS is in breach of the FOIA, the Commissioner has also made a record of the delay in this case for monitoring purposes.

Right of appeal

13. 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

14. 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.
15. 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
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