

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 4 July 2018

**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 the amounts paid to the author of a report from the Metropolitan Police Service (the "MPS"). The MPS initially refused to provide this information, citing section 40(2) (personal information) of the FOIA, however, it was later provided to the complainant during the course of the Commissioner's investigation. The MPS did confirm that the information was held, but outside of the 20 working day time limit, thereby breaching section 10(1) of the FOIA. In failing to disclose the requested information within the time limit the Commissioner finds a further breach of section 10. No steps are required.

#### Background

---

2. The request refers to a report written by Rt Hon Dame Elish Angiolini DBE QC. The report can be found online on the CPS website<sup>1</sup>.
- 
- 

<sup>1</sup> <https://www.cps.gov.uk/publication/report-independent-review-investigation-and-prosecution-rape-london-rt-hon-dame-elish>

## **Request and response**

---

3. On 19 January 2018 the complainant wrote to the MPS and requested information in the following terms:

*"I would like to make a Freedom of Information request for information contained in the sums (figures) paid to Dame Elish Angiolini for her report on "Report of the Independent Review into The Investigation and Prosecution of Rape in London" in 2015, including sums (figures) for any expenses claimed and any other payments (figures) made to Elish Angiolini in relation to this report".*

4. On 19 February 2018 the MPS wrote to the complainant to advise that there would be a delay in responding, apologising for any inconvenience caused.
5. On 26 February 2018 the MPS responded. It refused to provide the requested information. It cited section 40(2) (personal information) as its basis for doing so.
6. The complainant requested an internal review on 26 February 2018, referring to the public interest in disclosing the information sought. The MPS provided the outcome of its internal review on 29 March 2018. It maintained its position.

## **Scope of the case**

---

7. The complainant contacted the Commissioner on 29 March 2018 to complain about the way his request for information had been handled. He asked the Commissioner to consider delays and the application of section 40(2) to his information request.
  8. The Commissioner wrote to the MPS on 7 June 2018 to commence her enquiries. On 26 June 2018 the MPS revised its position and disclosed the requested information to the complainant.
  9. The Commissioner contacted the complainant on 27 June 2018 and he advised that he remained dissatisfied and required a decision notice to record the delay.
-

## Reasons for decision

---

### Section 1 – general right of access Section 10 – time for compliance

10. Section 1(1) of the FOIA states that anyone making a request for information to a public authority is entitled to be informed whether the public authority holds the information, and if so, to have that information communicated to them.
11. Section 10(1) of FOIA states that:

*“Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt”.*
12. The request was submitted on 19 January 2018 and the complainant did not receive a formal response, which confirmed that the MPS was in possession of the relevant information, until 26 February 2018, 26 working days following receipt. The Commissioner therefore finds that the MPS has breached section 10(1) of the FOIA by failing to comply with section 1(1)(a) within the statutory time period.
13. As it confirmed that the information was held there is no breach of section 1(1)(a) in that regard, however, the late disclosure of the information requested is a further breach of 10(1) of the FOIA.

### Other matters

---

14. Although they do not form part of this notice the Commissioner wishes to highlight the following matter.

#### *Internal review*

15. The Commissioner cannot consider the amount of time it took a public authority to complete an internal review in a decision notice because such matters are not a formal requirement of the FOIA. Rather they are matters of good practice which are addressed in the code of practice issued under section 45 of the FOIA. However, the Commissioner has issued guidance in which she has stated that in her view internal reviews should take no longer than 20 working days to complete, and even in exceptional circumstances the total time taken should not exceed 40 working days.
16. The internal review in this case took 22 working days following its receipt. As the MPS has now disclosed the requested information it is difficult for the Commissioner to assess whether or not this case was

“exceptional” and the MPS has provided no specific reasoning that would evidence why this would be the case. She is therefore concerned that it took over 20 working days for an internal review to be completed and would remind the MPS of the importance of keeping to this timescale.

## Right of appeal

---

17. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

18. 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.
19. 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**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**