

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 June 2023

Public Authority: Commissioner of Police of the Metropolis
Address: New Scotland Yard
Broadway
London
SW1H 0BG

Decision (including any steps ordered)

1. The complainant requested information from the Metropolitan Police Service ("MPS"). By the date of this notice, the MPS had not issued a substantive response to this request.
2. The Commissioner's decision is that MPS has breached section 10(1) of 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 MPS to take the following step to ensure compliance with the legislation.
 - MPS must provide a substantive response to the request in accordance with its obligations under FOIA.
4. 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 12 March 2023, the complainant wrote to MPS and requested information in the following terms:

"Can the police in England and Wales (or the UK) legally implant microchips or other devices on or in the bodies of suspects without their knowledge? What should someone do if they suspect that this has happened? I can confirm that I am happy for the information I am requesting to only refer to the Metropolitan Police Service (MPS) and not to any other forces or authorities."

6. MPS acknowledged the request on 20 March 2023. To date, a substantive response has not been issued.

Reasons for decision

7. Section 1(1) of 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."

8. Section 10(1) of 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".
9. On 15 May 2023 the Commissioner wrote to MPS, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
10. Despite this intervention, MPS has failed to respond to the complainant.
11. From the evidence provided to the Commissioner in this case, it is clear that MPS did not deal with the request for information in accordance with FOIA. The Commissioner finds that 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 FOIA.

Right of appeal

12. 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: 0203 936 8963
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

13. 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.
14. 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

Michael Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF