

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 November 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 Commissioner of Police of the Metropolis (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority 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 the public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The public authority 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 18 August 2023, the complainant wrote to the public authority and requested information in the following terms:

“Please accept this request under the Freedom of Information Act.

I’m seeking copies of the following Data Sharing Agreements. I understand these agreements are stored on the MPS CycFreedom database. It may help your enquiries to know that the details below were disclosed by the MPS in response to my previous FOI request, reference 01/FOI/23/030040.

CycFreedom ref: 01/DPA/23/004304

Name: NPCC DSA with Church of England & Church of Wales

CycFreedom ref: 01/DPA/21/001823

Name: Dangerous Person Database (ViSOR) Joint Controller Agreement detailing arrangements made under section 58 of the Data Protection Act 2018.

CycFreedom ref: 01/DPA/21/001184 (Boxed)

Name: DSA between MPS and Electronic Monitoring Services (EMS)

CycFreedom ref: 01/DPA/21/001130 (Boxed)

Name: DSA between MPS and RCC and Roman Catholic Archdiocese of Southwark CIO

CycFreedom ref: 01/DPA/20/001072 (Boxed)

Name: DSA between The Metropolitan Police Service and the Church of England/House of Bishops/Archbishops Council

CycFreedom ref: 01/DPA/20/000568

Name: DSA between MPS and Ben Parnell (MPS) Data & Insight services

CycFreedom ref: 01/DPA/20/000554

Name: Custody Image DSA for use with Council CCTV Units

CycFreedom ref: 01/DPA/22/003100

Name: DSA Between MPS AW-CU And the Business Crime Reduction Partnership/Business improvement District Safer WestEnd.

CycFreedom ref: 01/DPA/20/000494 (Boxed)

Name: DPA BETWEEN MEP AND ST MUNGOS

CycFreedom ref: 01/DPA/20/000538
Name: Custody Image DSA Ealing”

Reasons for decision

6. 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.”

7. 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”.

8. On 18 October 2023 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.

9. Despite this intervention the public authority has failed to respond to the complainant.

10. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority 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

11. 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

12. 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.
13. 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

Roger Cawthorne
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
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