

Freedom of Information Act 2000 (Section 51) Information notice

Date: 14 September 2023

Public Authority: Metropolitan Police Service

Address: New Scotland Yard

Broadway London SW1H 0BG

Section 51

Under section 51 of the Freedom of Information Act 2000 (the "FOIA"), which is set out below, the Information Commissioner (the "Commissioner") has the power to serve a notice on a public authority requiring it to furnish him with any information he requires to enforce the requirements of FOIA.

- 51. (1) If the Commissioner -
 - (a) has received an application under section 50, ...

he may serve the authority with a notice (in FOIA referred to as "an information notice") requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

 The Commissioner has received an application under section 50, reference IC-230070-B8N2, for a decision whether a request for information made by the complainant to the Metropolitan Police Service (MPS) on 2 February 2023, has been dealt with in accordance with the requirements of Part I of FOIA.



Nature of complaint

2. On 2 February 2023, the complainant made the following request for information under FOIA:

"Please accept this request under the Freedom of Information Act. I'm seeking:

- All emails and/or WhatsApp messages exchanged between Met Police commissioner Sir Mark Rowley, or assistant commissioner Matt Twist, and home secretary Suella Braverman between 6-11 November 2022.
- All emails and/or WhatsApp messages exchanged between Met Police commissioner Dame Cressida Dick, or assistant commissioner Matt Twist, and home secretary Priti Patel between 13-23 September 2021.
- Copies of any Public Order Incident Command Logs completed in relation to the Just Stop Oil protest actions in November 2022.
- Copies of any Public Order Incident Command Logs completed in relation to the Insulate Britain protests in September 2021".
- 3. On 15 February 2023, the MPS responded. It refused to disclose the requested information, citing section 30(1)(a) (Investigations and proceedings) of FOIA.
- 4. On 20 April 2023, the MPS provided an internal review in which it varied its position. It advised that no emails or WhatsApp messages were held. It added reliance on sections 40(2) (Personal information) and 31(1)(a)(b) (Law enforcement) of FOIA in respect of the remaining information.
- 5. On 10 May 2023, the complainant wrote to the Commissioner to complain about the response. He did not query the response regarding emails or WhatsApp messages so this will not be considered. He also said that any personal information could be removed.
- 6. On 17 May 2023, the Commissioner wrote to the MPS requesting copies of the command logs so he could ascertain whether any further enquiries would be necessary.
- 7. On 11 July 2023, the MPS provided the withheld information. After its receipt, the Commissioner made the following enquiry, asking for a reply by 17 July 2023:

"Please will you clarify which exemptions you are relying on for the logs. Are all of them being withheld 'blanket' fashion under the exemptions cited? Please remember that sections 30 / 31 are mutually exclusive so cannot be cited together. You should mark up where each exemption has been applied".



8. On 19 July 2023, the MPS advised that it was still preparing the command logs. It anticipated a completion date of 24 July 2023.

- 9. On 8 August 2023, the Commissioner chased a response. He advised that if one was not received by the end of the week he would necessarily issue an Information Notice.
- 10. On 14 August 2023, the MPS said that a response was being drafted. It advised that the response had been problematic due, amongst other things, to the number of logs caught within the scope of the request. It asked for a time extension until the end of the week, ie 18 August 2023.
- On 14 September 2023, the MPS advised that it still required more time. It suggested 29 September 2023. The Commissioner has not found this to be acceptable.

Information required

- 12. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of FOIA he requires that the MPS shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a response to the following.
- 13. The MPS is required to respond to the email which the Commissioner sent to it on 11 July 2023, as quoted in paragraph 7 above. If it fails to do so within the 30 calendar days provided within this notice then the Commissioner may proceed directly to a decision notice based on the position as it currently stands and the evidence he currently has before him.

Failure to comply

14. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.



Right of appeal

15. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can 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@Justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-

chamber

16. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

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