

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 August 2019

Public Authority: Commissioner of the City of London Police

Address: PO Box 36451
182 Bishopsgate
London
EC2M 4WN

Decision (including any steps ordered)

1. The complainant requested information relating to any investigations of the Nuclear Decommissioning Authority.
2. The Commissioner's decision is that City of London Police has breached section 10(1) of the 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 City of London Police to take the following step to ensure compliance with the legislation.
 - City of London Police must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. City of London Police 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 the Act and may be dealt with as a contempt of court.

Request and response

5. On 13 May 2019, the complainant wrote to City of London Police and requested information in the following terms:

"Accordingly and pursuant to the Freedom of Information Act 2000, I should be please if the City of London Police / Action Fraud would kindly release any and all documentation from government departments, agencies and any other interested parties relating to the subject of NDA questionable practices and which might be construed as seeking to influence the City of London Police and/or Action Fraud in the execution of its important duties to protect industry and the public in general."

6. The complainant contacted City of London Police on 17 June 2019 to ask for a response to his request and noted that no acknowledgement had yet been received. To date, City of London Police have not acknowledged the request and a substantive response has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 30 June 2019 to complain about City of London Police's failure to respond to his request.
8. The Commissioner has considered whether City of London Police has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

9. Section 1(1) of the 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."

10. Section 10(1) of the 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"*.
11. On 12 July 2019, the Commissioner wrote to City of London Police, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.

12. Despite this intervention, City of London Police has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that City of London Police did not deal with the request for information in accordance with the FOIA. The Commissioner finds that City of London Police 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 the FOIA.

Right of appeal

14. 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@justice.gov.uk

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

15. 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.
16. 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

Ben Tomes
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