

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 October 2021

Public Authority: Commissioner 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 ("the MPS") relating to the use of Violence Suppression Units. By the date of this notice the MPS had failed to provide a substantive response to this request.
2. The Commissioner's decision is that the MPS failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the MPS to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to the request.
4. The MPS must take these steps 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 30 July 2021, the complainant wrote to the MPS and requested information in the following terms:

"I am writing to you under the Freedom of Information Act 2000 to request the following information about the Met's Violence Suppression Units. All questions below refer to the Met's operation in which it identified 1,008 people linked with violence, many of whom were then visited by the force. Please note that I expect every question to be answered individually.

1) You have explained the criteria by which people ended up in the list of 1,008 people as follows:

'Those identified were as a result of analysis across crime data from a Met system, 'CRIS' in respect of knife crime, gun crime, night-time economy and personal robbery offences. Only those identified with four reports on (CRIS or Intelligence systems) were included on the list and at least one had to be a crime report. These have then been subject to further quality assurance by checks on other police systems (PNC, INFOS and Address data).'

Please can you explain:

- a) How this criteria was decided and by whom?*
- b) The process by which these 1,008 people were identified (please be as specific as possible)*
- c) Were they the only people who matched the above criteria in London or were additional criteria used to narrow the list down? (If so, please provide this)*
- d) Was an algorithm used at any time during the identification process for the 1008 people?*
- e) Is there a reason why so many of the people on the list are aged 18 or under?*
- f) Who conducted the "analysis across crime data"?*

2) What does "identified with four reports" mean? Does it refer to being a suspect or offender or could it include being a bystander, witness etc.?

3) What is the name of the operation and which dates did it run? If it's ongoing because of diversionary work, please specify the start date.

4) What is the review mechanism that you're using for this operation and has a date been scheduled yet for it to be reviewed?

5a) What's the criteria for removal from the list of 1,008 people?

- 5b) Have all 1,008 been notified of their inclusion in the list?*
- 5c) Is there a standardised mechanism by which people can challenge their inclusion in the list and/or inaccurate information held by the police about them (that resulted in them being put on the list, or that is contained in the list itself)? If so, please specify what the mechanism is and how people can challenge their inclusion.*
- 6) You said that 669 people were visited initially - were they given advance notice of the visit? You also said that people who weren't at home on three occasions were sent a letter instead. Please provide a copy of this letter.*
- 7) How many people on the list were involved in the 156 follow-up visits that you mention? E.g. was it that 156 people were visited for a second time, or did some people have multiple visits?*
- 8a) You mentioned that 30 people have been added to the Matrix since the operation began. Were they added because of operation? If so, could you please explain how?*
- 8b) You also mentioned that 36 people have been removed from the Matrix since the operation began. Were they removed because of operation? If so, could you please explain how?*
- 9a) Please provide the breakdown by ethnicity of people who are in the cohort and who are also on the Gang's Violence Matrix.*
- 9b) Please provide the breakdown by ethnicity of the 30 people who have been added to the Gang's Violence Matrix since the operation began. You may split this into white and non-white for GDPR reasons if necessary.*
- 10) Are there any plans to continue working with the 1,008 people after the operation is reviewed and if so, what are these? Does the review mark the end of the operation?*
- 11) Please provide the following documents:*
- i) Any Equality Impact Assessments relating to this operation. If there are none, please explain why*
 - ii) Any Terms of Reference related to this operation. If there are none, please explain why*
 - iii) Any Data Protection Impact Assessments relating to this operation. If there are none, please explain why*
- 12) Is any data from the list of 1,008 people shared with any third parties? If so, who, and what is the data that's shared?*
- 13) What is BOX? (This is where you said information regarding the operation is stored.) Does anyone have access to all the folders within BOX. If so, who? (Ranks are fine if necessary for GDPR reasons).*
- 14) Can anyone from the BCU access their BCU's folder on BOX? Please state any access restrictions that are in place.*
- 15) How many of the 82 people who expressed an interest in diversion received it? Please provide a full list of the stakeholders*

who provided them with diversionary support.

I would like the above information to be provided to me as electronic copies emailed to [redacted]

If it is not possible to provide the information requested due to the information exceeding the cost of compliance limits identified in Section 12, please provide advice and assistance, under the Section 16 obligations of the Act, as to how I can refine my request.

If this request is unclear, I would be grateful if you could contact me as I understand that under the Act, you are required to advise and assist requesters.

If any of this information is already in the public domain, please can you direct me to it, with page references and URLs if necessary.

If the release of any of this information is prohibited on the grounds of breach of confidence, I ask that you supply me with copies of the confidentiality agreement and remind you that information should not be treated as confidential if such an agreement has not been signed. I also remind you that confidential or personal information can be redacted, and that time taken for redactions does not usually count towards the cost limit."

6. The MPS acknowledged the request on 4 October 2021 but had failed to provide a substantive response by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner on 3 September 2021 to complain about the failure, by the MPS, to respond to the request.
8. In line with her usual practice, the Commissioner contacted the MPS on 29 September 2021 to highlight the outstanding response. She requested that the Metropolitan Police respond to the request within 10 working days.
9. The complainant contacted the Commissioner on 20 October 2021 to request a decision notice considering the MPS's compliance with the FOIA.
10. The scope of this notice and the following analysis is to consider whether the MPS has complied with section 10 of the FOIA.

Reasons for decision

11. 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.*

12. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

13. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

14. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

15. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the MPS has breached section 10 of the FOIA.

Right of appeal

16. 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

17. 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.
18. 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

**Catherine Fletcher
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**