

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 February 2022

Public Authority: Commissioner of Police of the Metropolis
Address: New Scotland Yard
Victoria Embankment
London
SW1A 2JL

Decision (including any steps ordered)

1. The complainant requested details of a number of information sharing agreements the Metropolitan Police Service (the "MPS") may have with other organisations.
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 FOIA.
3. The Commissioner requires the MPS to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 23 December 2021, the complainant wrote to the MPS and requested information in the following terms:

“Please could you provide me the following information:

1. A list of Business Crime Reduction Partnerships (BCRPs) and Business Improvement Districts (BIDs) with which the Met Police has an information/data sharing agreement.
2. A copy of any and all completed information/data sharing agreements the Met Police has with Business Crime Reduction Partnerships (BCRPs) in London
3. A copy of any and all completed information/data sharing agreements the Met Police has with Business Improvement Districts (BIDs) in London
4. A copy of any and all completed information/data sharing agreements the Met Police has with company Littoralis in relation to the DISC (Database and Intranet for Safer Communities) platform.
5. The total number of times Business Crime Partnerships and Business Improvement Districts have shared information related to rough sleeping with the Met Police through the DISC (Database and Intranet for Safer Communities) platform each year from 2019 to date. Please break this down by year and Business Crime Partnership.
6. A copy of every weekly newsletter automatically generated by the DISC platform and sent to members of each BCRP and BID the Met Police has an information sharing agreement with from the start of 2020 to date.

I am aware that these forms might need to be redacted for personal information. Please redact only exempted information and provide explanations for those exemptions”

6. The MPS acknowledged the request on 5 January 2022 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 February 2022 to complain about the failure, by the MPS, to respond to the request.

8. In line with his usual practice, the Commissioner contacted the MPS on 7 February 2022 to highlight the outstanding response. He requested that the MPS respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
9. The complainant contacted the Commissioner on 23 February 2022 to request a decision notice considering the MPS' compliance with FOIA.
10. The scope of this notice and the following analysis is to consider whether MPS has complied with section 10 of FOIA.

Reasons for decision

11. 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.*

12. Section 8(1) of 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 FOIA.
14. Section 10 of 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 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

Carolyn Howes
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