

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 1 March 2018

**Public Authority:** Commissioner of the Metropolitan Police Service

**Address:** New Scotland Yard  
Broadway  
London  
SW1H 0BG

#### Decision (including any steps ordered)

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1. The complainant has requested information about a Privacy Impact Assessment from the Metropolitan Police Service (the "MPS"). The Commissioner's decision is that the MPS breached section 10(1) of the FOIA by failing to confirm that it holds the requested information within the statutory time limit. As it has now done so, she does not require it to take any action as a result of this notice.

#### Request and response

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2. On 11 September 2017 the complainant wrote to the MPS via the "*What do they know?*" website<sup>1</sup> and requested information in the following terms:

*"I note that you are running a 8-week drone pilot.  
<http://news.met.police.uk/news/met-polic...>*

*In a previous request answered on here in March you said 'We do not have a Privacy Impact Assessment for the use of drones.'*

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<sup>1</sup> [https://www.whatdotheyknow.com/request/uav\\_drone\\_pilot](https://www.whatdotheyknow.com/request/uav_drone_pilot)

*Have you now undertaken a PIA on the use of drones and/ or this pilot, and if yes could I request a copy please?"*

3. The MPS acknowledged receipt on the same day.
4. The complainant chased a response on 26 November 2017.
5. On 1 January 2018 the complainant wrote to the Commissioner to advise that a response remained outstanding. On 30 January 2018 the Commissioner wrote to the MPS asking for it to respond within 10 working days.
6. The MPS acknowledged the Commissioner's correspondence.
7. On 22 February 2018 the MPS provided a response.

### **Scope of the case**

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8. After being advised that a response had been provided the Commissioner contacted the complainant. The complainant asked the Commissioner to issue a decision notice to record the delay.

### **Reasons for decision**

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#### **Section 1 – general right of access**

#### **Section 10 - time for compliance**

9. The Commissioner considered whether the MPS has responded to the request of in line with the provisions of the FOIA.
10. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
11. Section 10(1) of the FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
12. The request was submitted on 11 September 2017 and the complainant did not receive a response, which confirmed that the MPS was in possession of relevant information, until 22 February 2018. The Commissioner therefore finds that the MPS has breached section 10(1) of the FOIA by failing to comply with section 1(1)(a) within the statutory time period.

## **Other matters**

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13. As well as finding above that the MPS is in breach of the FOIA, the Commissioner has also made a record of the delay in this case. This may form evidence in future enforcement action against the MPS should evidence from other cases suggest that there are systemic issues that are causing delays.

## Right of appeal

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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@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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 .....**

**Carolyn Howes**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**