

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 September 2022

Public Authority: Commissioner of Police of the Metropolis
Address: New Scotland Yard
Broadway
London
SW1H 0BG

Decision (including any steps ordered)

1. The complainant requested information relating to Equality Impact Assessments as well as further documentation in regard to four police operations. By the date of this notice the Metropolitan Police Service ("MPS") had not issued a substantive response to this request.
2. The Commissioner's decision is that MPS has breached section 10(1) of 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 MPS to take the following step to ensure compliance with the legislation.
 - MPS must provide a substantive response to the request in accordance with its obligations under FOIA.
4. MPS 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 18 July 2022, the complainant wrote to MPS and requested information in the following terms:
- “1. For each of the following police operations, please provide the relevant Equality Impact Assessments (EIAs) that apply to them:
- A. Operation Argo
 - B. Operation Winter Nights
 - C. Operation Sceptre
 - D. Operation Autumn Nights
- I understand that none of the above-listed operations have bespoke EIAs but are instead covered by EIAs the Met has for overarching areas of policing.
2. For each operation, please explain how else the Met ensured it complied with its Public Sector Equality Duty (PSED) under s149 of the Equality Act (2010). As you will be aware, this legal duty is always in effect and so the Met should have recorded information as to how each operation complied with the PSED.
3. For each operation, please provide any documents that lay out their focus/target. This could be a strategy documents, a plan, a list of aims and objectives etc. Please also provide the location that each operation focused on, e.g. Edmonton Green
4. For each operation, please detail how many arrests were made”
6. MPS acknowledged the request on 20 July 2022. To date, a substantive response has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 6 September 2022 to complain about MPS' failure to respond to their request.
8. The Commissioner has considered whether MPS has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

Reasons for decision

9. 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."

10. Section 10(1) of 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 9 September 2022 the Commissioner wrote to MPS, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.

12. Despite this intervention MPS has failed to respond to the complainant.

13. From the evidence provided to the Commissioner in this case, it is clear that MPS did not deal with the request for information in accordance with FOIA. The Commissioner finds that MPS 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 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: 0203 936 8963

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

Michael Lea
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