

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 June 2023

Public Authority: Commissioner of Police for the City of London
Address: City of London Police
Bishopgate Station
182 Bishopgate
London

Decision (including any steps ordered)

1. The complainant requested information from the City of London Police about rape and sexual offence outcomes. By the date of this notice, the City of London Police had not issued a substantive response to this request.
2. The Commissioner's decision is that the City of London Police 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 the City of London Police to take the following step to ensure compliance with the legislation.
 - The City of London Police must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 17 April 2023, the complainant wrote to the City of London Police and requested information in the following terms:

"I am writing to submit a freedom of information request for data held concerning rape and sexual assault offence outcomes.

By rape I refer to the specific offences 19C, 19D, 19E, 19F, 19G, 19H, 19J and 19K. For sexual assault, I refer to 17A, 17B, 20A, and 20B.

I would like data provided by financial quarter beginning quarter 1 of 2017/18 and ending quarter 2 of 2022/23 and I would like to know about crimes based on when a crime outcome was recorded, not the crime itself (so please exclude all cases where an outcome has not yet been assigned).

Please tell me:

- a. How many outcomes for rape and for sexual assault offences were recorded in the quarter
- b. How many type 1 outcomes (a charge or summons for that specific offence) were recorded in the quarter for rape and for sex assault offences
- c. How many type 1A outcomes (a charge or summons for an alternative offence) were recorded in the quarter for rape and sex assault outcomes
- d. Of the alternative charge outcomes (1A), please provide a breakdown by the crime the suspect was charged with, eg X number were charged with assault. For this breakdown please use Home Office offence codes and descriptions outlined here

For all of these four questions, please provide separate counts for each of the rape and sexual assault offences specified above (19C, 19D etc).

The resulting data I am asking for should allow me to see, for instance, that of X number of rape offence outcomes recorded in Q2 of 2020/21, Y resulted in a charge/summons for that offence while Z resulted in a charge/summons for an alternative offence, and that of Z, A were for assault, B were for causing sexual activity without consent, etc.

Please provide the data in a spreadsheet format. A suitable format may include the following column headers:

For questions a) to c):

financial year
financial quarter
name of offence recorded (eg rape 19C, sexual assault 17A etc)
count of total outcomes
count that resulted in a charge for that offence (outcome 1)
count that resulted in a charge for an alternative offence (outcome 1A)

For question d):

financial year
financial quarter
name of offence recorded (eg rape 19C, sexual assault 17A etc)
name of alternative offence charged (eg assault)
count

Thank you"

6. To date, a substantive response has not been issued.

Reasons for decision

7. 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."

8. 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".
9. On 6 June 2023 the Commissioner wrote to the City of London Police, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
10. Despite this intervention the City of London Police has failed to respond to the complainant.
11. From the evidence provided to the Commissioner in this case, it is clear that the City of London Police did not deal with the request for information in accordance with FOIA. The Commissioner finds that the

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 FOIA.

Right of appeal

12. 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

13. 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.
14. 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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