

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 2 September 2015

**Public Authority:** Information Commissioner's Office

**Address:** Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

#### Decision (including any steps ordered)

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1. The complainant has requested from the Information Commissioner's Office (ICO) information about a civil claim against the Commissioner of Police of the Metropolis.
2. The Commissioner's decision is that the ICO breached section 10(1) of the FOIA because it did not provide the complainant with a response within the 20 working days required by the Act.
3. The ICO has now responded to the request and the Commissioner does not require it to take any further steps.

#### Request and response

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4. On 3 May 2015, the complainant wrote to the ICO and requested information in the following terms:

*"I wish to know the following information regarding the Information Commissioner's involvement with the civil claim issued by David Mulcahy against the Commissioner of Police for the Metropolis in the County Court at Central London claiming relief under the Data Protection Act 1998 relating to "subject access".*

*1. Is the Information Commissioner an intervener and/or party to the civil claim brought by David Mulcahy against the Commissioner of Police for the Metropolis in the County Court at Central London?*

*2. Has there been any request by either the Claimant or the Defendant or the Ministry of Justice for the Information Commissioner to intervene and/or become a party to the civil claim brought by David Mulcahy against the Commissioner of Police for the Metropolis in the County Court at Central London?*

*3. If not, does the Information Commissioner intend either intervening or becoming a party to the civil claim brought by David Mulcahy against the Commissioner of Police for the Metropolis in the County Court at Central London and/or any subsequent appeals brought by either David Mulcahy or the Commissioner of Police for the Metropolis?"*

5. The ICO responded on 15 July and apologised for the delay.

### **Scope of the case**

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6. The complainant contacted the Commissioner on 5 July to complain that he had not received a response to his request.
7. The Commissioner has considered whether the ICO met its obligations under section 10 of the FOIA.

### **Reasons for decision**

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8. Section 1(1) of the FOIA says that when a public authority receives a request, it must confirm or deny whether it holds the information and, if it does, the information must be communicated to the requester.
9. Section 10(1) of the Act says that public authorities must comply with section 1(1) within 20 working days of receiving the request.
10. In this case, the complainant submitted his request to the ICO on 3 May but this was not directed to the correct department.
11. A response was therefore due by 2 June. As the ICO did not respond until 15 July this is a clear breach of section 10.

## Right of appeal

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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: 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)

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 .....**

**Pamela Clements**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**