

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 October 2018

Public Authority: Commissioner of the City of London Police

Address: PO Box 36451

Bishopsgate

London

EC2M 4WN

Decision (including any steps ordered)

1. The complainant made requests for information concerning the number of domestic abuse victims and the number of domestic violence disclosure requests.
2. The Commissioner's decision is that City of London Police (COLP) has breached section 10(1) of the FOIA in that it failed to provide a valid response to either request within the statutory time frame of 20 working days.
3. The Commissioner requires COLP to take the following step to ensure compliance with the legislation.
 - COLP must issue responses to the requests in accordance with its obligations under the FOIA.
4. COLP 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 the Act and may be dealt with as a contempt of court.

Request and response

5. On 9 April 2018, the complainant wrote to COLP and requested information in the following terms:

"Can you please provide the details of the number of Domestic Abuse Victims reporting to your Police Authority broken down as follows:

The period 1st January 2017 to 31st December 2017 inclusive by Age, Ethnic Origin and Gender

For ease of reference, please incorporate a summary total by Age, Ethnic Origin and Gender both Force Wide and by Police Division."
6. On 8 May 2018, the complainant wrote to COLP and made a further request for the following information:

"Since the inception of 'Clare's Law', please provide the following information:

The total number of Disclosure Requests by Calendar Year (up to and including 30th April 2018,) by:

Gender,
Age,
Ethnic Origin.

For your ease of reference, please provide the details for the 'Person At Risk' i.e. the person for whom the enquiry has been made by directly and/or on behalf of."
7. COLP acknowledged the requests but failed to provide a substantive response to either request within 20 working days.

Scope of the case

8. The complainant contacted the Commissioner on 21 August 2018 to complain about COLP's failure to respond to his information requests.
9. On 3 September 2018 the Commissioner wrote to COLP, reminding it of its responsibilities and asking it to provide substantive responses to the complainant within 10 working days.
10. Despite this intervention COLP has, to the date of this notice, failed to respond to either request.

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 10(1) of the 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."*

13. From the evidence provided to the Commissioner in this case, it is clear that COLP did not deal with the requests for information in accordance with the FOIA. The Commissioner finds that COLP has breached section 10(1) by failing to respond to the requests within 20 working days and it is now required to respond to the requests in accordance with the 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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.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

Deborah Clark
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